

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11071 HOUSE STATE AFFAIRS

FW: In Support of Roller-skiing

Subject: FW: In Support of Roller-skiing

Date: Tue, 17 Feb 2004 12:37:16 -0900

From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>

To: "Brian Hove" <Brian_Hove@legis.state.ak.us>

-----Original Message-----

From: Debbie & Charlie [mailto:pooregib@xyz.net]

Sent: Tuesday, February 17, 2004 12:22 PM

To: bill.mcdonnell@uaf.edu

Subject: In Support of Roller-skiing

Yes, I support roller-skiing in Alaska. We are an outdoors type of people and should have all means of exercise and recreation encouraged. With the unpredictable snow conditions it makes sense that roller-skiing be available for people to continue training and exercising. Roller-skiing is a life-long exercise and helps combat cabin fever and SAD, which many Alaskans are familiar with. Please do all you can to change the legislation in support of roller-skiing.

Thank you. Sincerely, Deborah Poore

Homer, Alaska

FW: rollerskiing

Subject: FW: rollerskiing

Date: Wed, 18 Feb 2004 09:17:19 -0900

From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>

To: "Brian Hove" <Brian_Hove@legis.state.ak.us>

-----Original Message-----

From: ida martin [mailto:xc_ski_frog@yahoo.com]

Sent: Tuesday, February 17, 2004 5:08 PM

To: bill.mcdonnell@uaf.edu

Subject: rollerskiing

My name is Ida Martin, I am from Homer Alaska and I am an active cross country skier from Alaska. I am away at college on a skiing scholarship in Gunnison Colorado, I return to Alaska for the summer to work and train for skiing. Rollerskiing is a big part of my summer training, and if I was not able to rollerskiing it would make it hard for me and many other skiers to return to Alaska for training. Also this would affect UAA's and UAF's ski teams, many high schools, and many club teams. Alaska has prouided its self on having a great team at Junior team at the Juniorr Olympics. All over the nation people know that Alaska has the skiers to beat. the Two times I traveled to the Juniorr Olympics as part of thAlaskaka team, wdominateded thcomposition. Puttingng 3 to 7 people in the top team, wining many of the age class relays, and having many of our athletes named Juniorr Olympic champions. As a team we won the team title by 500 points or more.

University Alaska Anchorage is doing really well on the college NCAAcircuit right now in 2004. Sara Handson won her first westerndivisionncollegiatet title at the the Utah races. She usesroller skiingg as summer training.

Katie Ronse of the Alaska Winter Stars and the Service High school ski team, was named to the world Junior team of US skiers to go over to Europe and compitcompete; I trained with her over last summer and she was an avide avidroller skier; She used roller skiing to get in shape, and she has gotten to were she is by using summer training, mostly roller skiing.

Alaska has made a name in the US and the world through the skiers that have come out of Alaska. Many if not all skiers use roller skiing as summer training. It is the most accuaccuratem of simulating skiing when a skier can't get on snow.

People use the roads for training with bikes, on foot, and rollroller skiessp; If we allowrollerskiing to be band were will it stop. Who is to say that bikes won't be band, or you will get a ticket for running on a road that has been part of your traing for years. Alaska is know for its skiers, why short them on all opportunities to get as far as they can. It is like asking a person to work with a handicap that is not natural, one that has been put on them by someone.

I want to know why this is even an issue right now. PeopPeoplee been roller skiing in Alaska for many years. who wants to get rid of roller skiing, people who don't understand the sport of skiing. I feel that I try to be fair when I pass judgmentr I keep an open mind. I think that people should also when it comes to the issue of roller skiing.

2/18/2004 9:36 AM

FW: rollerskiing

I am sstronglyin favor of keeping roller skiing legal in Alaska, as both a citizen and an athlete.

I can be reached at 970-943-2760 or xc_ski_frog@yahoo.com and CPO Box 5477 Gunnison, Co 81231

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FW: In Support of Roller-Skiing

Subject: FW: In Support of Roller-Skiing

Date: Wed, 18 Feb 2004 09:15:46 -0900

From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>

To: "Brian Hove" <Brian_Hove@legis.state.ak.us>

-----Original Message-----

From: Wayne Watson [mailto:watson@xyz.net]

Sent: Wednesday, February 18, 2004 7:27 AM

To: Bill Mcdonnell

Subject: In Support of Roller-Skiing

To Whom it May Concern,

I have been involved with Cross-country skiing in Alaska for 25 years and President of the Kachemak Nordic Ski Club in the Homer area for the past ten years. I am the current President of KNSC. KNSC has a membership of about 250 members and grooms and manages about 50 kilometers of trails in the Homer area. I am an avid cross-country skier and off-season roller-skier. My wife and I are the proud parents of a 3 time Junior Olympian who also skied in college at the University of Nevada. Off-season roller-skiing was a key element in his training program as a Junior and in college. We also enjoy roller-skiing but are very limited in places we can legally participate in the sport. We strongly believe Nordic skiing is a very healthy, lifelong sport and roller-skiing is part of that pasttime. To that end I'd like to go on record in support of State Senator Ralph Seekins of Fairbanks introduction of a bill to the legislature that will specifically amend the existing statutes to make roller-skiing legal in the state of Alaska.

Sincerely,

Wayne Watson

President-Kachemak Nordic Ski Club

PO Box 884

Homer, AK 99603

Thank you for your support of skiers of Alaska

Subject: Thank you for your support of Skiers of Alaska

Date: Thu, 19 Feb 2004 15:02:47 -0900

From: "Kent Karns" <kkarns@hswarehouse.com>

To: <Senator_Ralph_Seekins@legis.state.ak.us>

Senator Seekins,

Thanks for introducing the bill allowing roller skiing. You have drafted a bill that allows for safe use of the roads for serious skiers, including high school and college athletes from Alaska that continue on the road to national, international and Olympic ski competitions.

Please keep up the good work in Juneau.

Yours,

R. Kent Karns
H&S Warehouse, Inc.
Treasurer

Subject: Roller skiing

Date: Thu, 19 Feb 2004 09:07:04 -0800 (PST)

From: Don Pendergrast <don_pendergrast@yahoo.com>

To: Senator_Ralph_Seekins@legis.state.ak.us

Dear Senator Seekins,

Thank you for introducing legislation legalizing roller skiing in Alaska. We have a strong skiing community, UAF and UAA are national powers. Alaska has Olympians and Jr. Olympians in abundance. We consistently send cross skiers to national and international competitions.

It's hard to imagine not having enough snow in Alaska, but world class athletes need to train year round and roller skies allows this to happen.

Thank you again,

Don Pendergrast
1358 Spring Glade Rd
Fairbanks, AK 99709

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<http://antispam.yahoo.com/tools>

Subject: FW: Legislation letter

Date: Fri, 20 Feb 2004 09:30:18 -0900

From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>

To: "Brian E. Hove" <Brian_Hove@Legis.state.ak.us>

-----Original Message-----

From: Sigrid Aas [<mailto:sigrid-a@online.no>]

Sent: Friday, February 20, 2004 1:13 AM

To: Bill.McDonnell@uaf.edu

Subject: Legislation letter

Here is the letter for the rollerskiing proposition. Feel free to correct any spellings or errors in it. I didn't know who to adress it for either, or what to put on the heading.

To Whom it Might Concern

Rollerskiing Legislation

Fairbanks is a town filled with cross country skiers. The two high schools in town have cross country ski teams and UAF has a nordic skiing program. In addition to that, The Nordic Ski Club of Fairbanks has numerous members and they offer activities to children and people of all ages and abilities. In the summer time, nordic skiers with ambitions have to train well in order to become better at skiing. Rollerskiing plays a great part in this, and it is basically a way to nordic ski on wheels.

This fall rollerskiing became a hot issue in Fairbanks after me and some UAF skiers got transported by the Troopers after one of our rollerski practises. I can understand that drivers sometimes get anxious and angry after they encounter rollerskiers on the road. Sometimes the road just isn't wide enough to safely pass in turns and curves. With a little cooperation between the rollerskier and the driver, however, it should be perfectly safe to pass in most cases. This is where the problem starts. Sometimes rollerskiers are not being considerative enough of cars coming, and sometimes car drivers are not being considerate enough on behalf of the rollerskiers. However, as far as I know (judging by my own experiences and by training with the UAF team) rollerskiers largely do their best to avvoid dangerous situations and conflicts. After all, it is most likely the rollerskier, and not the car driver who would be left with broken bones after a potential accident. Believe me, I do my uttermost to avoid that from ever happening, and I think that goes for other rollerskiers as well.

Nordic skiers also bike a lot for training in the summer and fall. During many of my bike rides, I have been harrassed by car drivers in the same fashion as while rollerskiing, while safely keeping within the white line on the road shoulder. Now, many drivers apparently think that biking is also dangerous on the roads. Should we forbid biking as well? I think that many drivers are starting to believe that the roads should be a domaine for cars only, so that it is more permissible to drive faster, more recklessly, and without having to worry about hitting a rollerskier, biker or, even, a walking person. Is this right? Should everybody adjust their exercising and commuting habits so that drivers can drive without taking any considerations?

After the insident where UAF skiers were transported with Troopers from Pearl Creek, one of the troopers talked about how the rollerskiing on that road was going to kill someone one day since people were speeding and drunk driving there!! I think that is a fundamentally wrong way of looking at it, since that actually excuses the fact that people are drunk driving and speeding on that road. If the troopers already knew that, perhaps they should focus more on catching those drunk drivers and speeding cars instead of jumping in front of a rollerskier coming down a hill during a workout. (That insident represent the only accident we had on the UAF team so far, and ironically it was only because the Trooper was trying to "prevent" an accident).

All in all, I think that to forbid rollerskiers on the road will be the beginning of somthing that in the long run will make for more dangerous roads and more reckless driving. More resources should be delegated to the real problems as far as road safety, such as drunk driving and speed control.

Sincerely,
Sigrid Aas
UAF Ski Team

oller skiing

Subject: roller skiing

Date: Mon, 23 Feb 2004 07:25:29 -0900

From: "Faryniarz, Kathy" <KFarynia@provak.org>

To: "Senator_Ralph_Seekins@legis.state.ak.us" <Senator_Ralph_Seekins@legis.state.ak.us>

Please support roller skiing on alaska's roads It is critical for training esp those athletes that represent us nationally and internationally Thanks
Kathy Faryniarz

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2/23/2004 9:25 AM

Steve & Karen Clautice
1465 Hans Way
Fairbanks, AK 99708
February 23, 2004

Dear Legislators,

We are writing in support of SB 327.

Alaska is home to past, present and future Olympic cross country skiers. UAF ski team took home medals from the NCAA national competition last year. Alaska High School skiers medalled last spring in the US Junior Olympics in Fairbanks and placed first with their relay team. To reach this level, incredible commitment and physical effort is required to put in more than 600 hours of structured workouts a year. Roller skiing (on long, rolling, and smooth roads) is an essential part of their workout schedule.

SB 327 would allow our athletes to complete their necessary training while addressing safety concerns. It would help maintain Alaska's prominence in a sport that is uniquely suited to our environment and offers so much to the State.

We urge your support of SB 327.

Sincerely,

Karen & Steve Clautice

FW: rollerskiing

Subject: FW: rollerskiing

Date: Tue, 24 Feb 2004 07:38:49 -0900

From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>

To: "Brian E. Hove" <Brian_Hove@Legis.state.ak.us>

-----Original Message-----

From: The Gunkel Family [mailto:mfgun@gci.net]

Sent: Tuesday, February 24, 2004 6:39 AM

To: bill.mcdonnell@uaf.edu

Subject: rollerskiing

Hello,

I would like to show my support for rollerskiing in Anchorage, or for that matter in Alaska. It is an important way to train in the summer months. Thanks for your attention to this matter. Michele Gunkel

Subject: SB 327

Date: Tue, 24 Feb 2004 09:24:30 -0900

From: "Jon Quinn-Hurst" <jqhurst@alaskapacific.edu>

To: <Senator_Ralph_Seekins@legis.state.ak.us>

Dear Senator Seekins,

Thank You for submitting the legislation regarding legalizing roller skiing in Alaska, SB 327.

The development of top level cross country ski athletes depends on quality dry land training, which includes many hours of roller skiing during the spring, summer and fall. The ongoing development of Olympic caliber athletes is a primary goal of the APU Nordic Ski Center, and it is essential that athletes be able to legally train on the shoulders of the public roads in Alaska.

Alaska has a long and proud history of supporting and producing top level cross country ski athletes, all of whom have depended upon the ability to roller ski in the non-winter months. In the 2002 Olympics, 25% of the U.S. Nordic Olympic team trained in the APUNSC program in Anchorage, all having benefited from the ability to roller ski in the off season. Additionally, three other top Alaska skiers represented the U.S. on the Nordic teams. Top level college athletes at UAF, UAA, and APU rely on the ability to dry land train by roller skiing. It is done with safety in mind. Risk management is always a priority. Our program insists that the athletes follow the simple rules of the road, the same as bicyclists, and that they wear safety gear, especially helmets.

Your support in passing this legislation will help to assure that the legacy of the development of Olympic athletes can continue in Alaska, legally.

Sincerely,

Jon Quinn-Hurst
8242 Parkridge Circle
Anchorage, AK 99507
h. 907-5612-5444

APU Nordic Ski Center
907-564-8328
<<Jon Quinn-Hurst (E-mail).vcf>>

Jon Quinn-Hurst (E-mail) <jqhurst@alaskapacific.edu>

Subject: SB327

Date: Wed, 25 Feb 2004 00:06:16 -0000

From: Nugent Nicholas J DPW FWA ENG <nickolas.nugent@us.army.mil>

To: Senator_Ralph_Seekins@legis.state.ak.us

CC: bill.mcdonnell@uaf.edu

Dear Sen. Seekins;

I wish to thank you for your efforts in the introduction of this legislation. Though I may never have need to roller ski it is of inestimable value to those pursuing a goal of being a world class competitor. As more is published on the value of this type of off season training the interest will continue to grow. As a summer bicyclist I have seen first hand that not all of our bike trails are able to function as roller ski trails. I also do not mind sharing the road with non motorized traffic. I am looking forward to the advance of this legislation. Again thanks for your efforts to support our local skiers and their endeavors.

Nickolas Nugent
Fairbanks AK

Subject: SB 327 hearing on Thursday February 25

Date: Wed, 25 Feb 2004 12:03:26 -0900

From: "Jim Mery" <MERYJ@doyon.com>

To: <Senator_Ralph_Seekins@legis.state.ak.us>

Senator Seekins:

Recently I sent you a letter in support of SB 327 on behalf the Nordic Ski Club of Fairbanks. The purpose of this note is to let you know that many in support of SB 327 will not be able to attend the hearing tomorrow, including myself, due to a conflict with a major ski competition at the same time.

Tomorrow afternoon is the start of the three day Alaska State High School Ski Championships. The Nordic Ski Club of Fairbanks, the Fairbanks North Star Borough and School District are putting on these races at the Birch Hill here in Fairbanks. About 200 student athletes, plus their coaches and many parents will be at the races. Several dozen of our 900 strong ski club members will also be helping. Undoubtedly, there is strong support for SB 327 within this one group of skiers.

Thanks again for your support.

Jim Mery

President

Nordic Ski Club of Fairbanks

Subject: FW: Letter of support for SB 327

Date: Wed, 25 Feb 2004 08:19:05 -0900

From: "bill mcdonnell" <bill.mcdonnell@uaf.edu>

To: "Brian E. Hove" <Brian_Hove@Legis.state.ak.us>

-----Original Message-----

From: diana evans [mailto:e2solutions@gci.net]

Sent: Tuesday, February 24, 2004 10:55 PM

To: bill.mcdonnell@uaf.edu

Subject: Letter of support for SB 327

Dear Legislators,

I strongly support the adoption of SB327. Alaska has a great history of producing cross-country ski athletes from high school competitors to Olympic athletes. Roller-skiing is a necessary training element and since we in Alaska do not have dedicated off-road roller-skiing training facilities like European countries, it is necessary to use other paved surfaces such as roads. I have often rollerskied on roads safely, and hope that cross-country ski community can continue to do so with the passage of SB 327. We should encourage physical activity in every form possible, for the health and well-being of our citizens.

Diana Evans

2518 Galewood St

Anchorage AK 99508

907-301-5927

Diana J. Evans PE <e2solutions@gci.net>

President

e2 Solutions, Inc

Subject: SB 327 Testimony

Date: Sat, 28 Feb 2004 17:31:19 -0900

From: "Bruce Miller" <MILLERB@doyon.com>

To: <Senator_Ralph_Seekins@legis.state.ak.us>

Senator Seekins,

Due to an unfortunate mixup regarding the timing of the open discussion of SB327, I was not able to attend. I had been asked by Bill McDonnell, head coach of the University of Alaska, Fairbanks ski team to present written testimony on his behalf. Please find his testimony attached to this e-mail. Additionally, I would like to point out some facts that may have not been brought to your attention:

1: Ten Alaskans were chosen to compete in the 2002 Salt Lake Olympic Games, Eight who were in Nordic Skiing (including Fairbanks' own Aelin Peterson) or Biathlon. Rollerskiing factors heavily in their training.

2: A perfect acknowledgement to Alaska's prowess as a producer of exceptional nordic talent is the name of the team title given to the highest scoring team at the United States Ski Association Junior Nationals: the Alaska Cup. This is due to the dominating presence Alaska has had in the national arena. Alaska is by far the winningest region in the Cup's history, winning 13 of the last 15 years.

3: Alaska's reputation for fine skiing conditions and warm hospitality have enabled the state to host Junior, Senior and Master Nationals several times in recent history. These events bring a tremendous number of people to the State and provide a significant winter season boom to the local economy.

4: Due to our early snowfall relative to the rest of the U.S., we are a mecca for national teams from several countries as well as factory teams to come and conduct early season training before major national and international competitions. This again provides an economic boost to local economies as well as providing an unmatched stimulus for local youth whom have access to these national/international skiers that they read about in headlines and watch on television.

Senator Seekins, the ability for our skiers to be able to maintain their cardiovascular and technique base through rollerskiing is paramount to maintaining the successes I have mentioned above. The roads are already open to bicyclists. All we ask is that the same consideration be given to a group of people that have brought honor and integrity as well as significant offseason dollars to the State of Alaska.

Sincerely,

Bruce Miller

Member of Nordic Ski Club of Fairbanks

Member of Nordic Ski Association of Anchorage

Former member of Lathrop High School Ski Team

Former member of the University of Alaska, Fairbanks Ski Team

3 time member of the Alaska Junior National Ski Team

7 year Coach of Fairbanks Junior Nordics

-----Original Message-----

From: Jim Mery

Sent: Wed 2/25/2004 11:44 AM

To: Bruce Miller

Cc:

Subject: FW: Testimony

Bruce, Here is the testimony you need to read into the record on Bill's behalf.

James Mery
Senior Vice President
Lands and Natural Resources
Doyon, Limited
Fairbanks, Alaska
907-459-2039
907-459-2062 fax
meryj@doyon.com

-----Original Message-----
From: bill mcdonnell [mailto:bill.mcdonnell@uaf.edu]
Sent: Wednesday, February 25, 2004 11:39 AM
To: Jim Mery
Subject: Testimony

Hi Jim,

Attached is a short statement with regards to my thoughts on roller-skiing. I kept the comments brief; as I am sure that there will be many looking to make comment. If the opportunity presents itself and you believe it will be beneficial to the cause, please have my comments with regards to this issue entered as testimony during the hearing.

Thanks,

Bill

<u>Hearing Testimony.doc</u>	Name: Hearing Testimony.doc Type: WINWORD File (application/msword) Encoding: base64 Description: Hearing Testimony.doc Download Status: Not downloaded with message
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Honorable Senators,

As today's important hearing proceeds, I am on my way to Michigan with ten of Alaska's finest student-athletes. Employed as the Head Ski Coach for the University of Alaska-Fairbanks, I have been fortunate to be a member of the Alaskan ski community for the past five years. During that time I have had the distinct pleasure of being involved with nearly forty different student-athletes. Some of these athletes have represented Alaska in the highest levels of collegiate competition at the NCAA Championships, internationally in the World Junior Championships and World Under-23 Championships, and most recently on the World Cup. All have represented the University and the State of Alaska with distinction.

I can without a doubt say that the achievements of these athletes have been made possible in large part due to the ability of these athletes to make roller-skiing a significant part of their off-season training. No other training activity simulates skiing as realistically and specifically as roller-skiing. Taking away a cross-country athletes' training tool of rollerskiing by banning the activity, or forcing those that desire to rollerski onto bike paths in ill-repair, insures that the State of Alaska would be doing their utmost to handicap the ability of our athletes to continue to represent our State with distinction.

As a skier, a member of the Alaskan ski community, and a citizen of this great state, I ask you to support the continuation of Alaska's tremendous skiing achievements and pass Senate Bill 327.

Thank you,

Bill McDonnell



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Anchorage Daily News

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UAF, UAA skiers 1-2 at NCAA meet

CLASSICAL: Aas, Kaempf beat the heat to dominate; UAA finishes 6th.

By MATT NEVALA

Anchorage Daily News

(Published: March 14, 2004)

Temperatures hovered above 50 degrees Saturday as skiers in the women's classical race at the NCAA Championships trucked their way along the 15-kilometer course in Truckee, Calif. The heat made the intake of fluids a huge priority.

"We gave them several feeds, like four or five," UAA coach Greg Cress said by telephone. "We had to keep them hydrated."

And it worked. Alaska skiers drank well and raced even better.

UAF senior Sigrid Aas, of Norway, and UAA sophomore Mandy Kaempf, of Germany, finished 1-2 for the second time in two races at the championships. And four others -- Zach Violet, Eric Strabel and Sarah Hansen of UAA and Fairbanks' Jesse Carlstrom of the University of Nevada -- joined Aas and Kaempf as All-Americans on the final day of the championships.

Aas claimed the Nanooks' second individual championship two days after she earned the first one. She edged Kaempf down the stretch to win the classical title in 53 minutes, 4 seconds.

Kaempf finished in 53:12. In two seasons, she has been the national runner-up in three races.

"I'm a little disappointed because we were skiing together into the stadium," Kaempf said of Saturday's battle with Aas. "She pulled away from me right at the end."

Kaempf said the weather conditions didn't help anyone.

"It was really hot, and the snow was really wet," she said. "But the good thing is everyone has to go through it. You just have to be really hard on yourself."

Aas and Kaempf weren't Alaska's lone All-Americans (top-10 finishers). Hansen, a junior from Wasilla, finished ninth in the women's race (53:46).

Violet (53:22) came in fourth in the men's 20-K, Carlstrom (53:40) of Fairbanks finished eighth and Strabel (53:47) was ninth. Utah's Henning Dybendal won in 53:11.

It was a big week for Violet, who placed seventh in Thursday's 10-K freestyle race. His Saturday finish might have been even better if not for a mishap midway through the race.

"Zach was tripped up and fell about seven or eight kilometers in," Cress said. "He tangled up with a guy and fell from fourth to 13th. But he fought back and had just an incredible race."



UAA coach Trond Flagstad hugs UAA skier Brent Knight after Saturday's 20-K classic race. Knight finished in 16th place. (Photo by Emma Garrard / Anchorage Daily News)

Click on photo to enlarge

UAA, which qualified 10 skiers (six nordic and four alpine) for the championships, extended its string of top-10 team finishes to 20 straight. Competing against schools with 11 or the maximum 12 skiers in the field, the Seawolves finished sixth with 504 points. It was UAA's best finish since a second straight fifth-place performance in 1998.

"Our big goal was to finish in the top five, and we know it would be more of a realistic goal if we could qualify a full team," Cress said. "But we're pretty thrilled."

New Mexico won the national championship with 623 points. UAF finished 10th with 219 points.

Daily News reporter Matt Nevala can be reached at mnevala@adn.com or 257-4335.

NCAA Ski Championships

At Truckee, Calif.

Final Team Standings

1) New Mexico 623; 2) Utah 581; 3) Denver 568; 4) Colorado 564; 5) Vermont 533.5; 6) UAA 504; 7) Middlebury 495.5; 8) Dartmouth 391; 9) Nevada 383; 10) UAF 219; 11) Colby 210.5; 12) Northern Michigan 198.5; 13) Williams 178; 14) New Hampshire 149; 15) Montana State 127; 16) Western State 110; 17) Boise State 67; 18) Whitman 62; 19) Harvard 40; 20) Bates 27; 21) Michigan Tech 11; 22) Wisconsin-Green Bay 1.

Saturday's Nordic classical races

Women

15 kilometers

1) Sigrid Aas, UAF, 53:04; 2) Mandy Kaempf, UAA, 53:12; 3) Trine Lundamo, New Mexico, 53:21. **Other Alaska finishers** -- 8) Sarah Hansen, UAA, 53:46; 15) Tara Hamilton, Denver, 54:45; 16) Nicole Deyong, UAA, 54:46; 23) Emma Garrard, Nevada, 55:43; 28) Johanna Turunen, UAF, 55:28; 32) Chrissy May, Dartmouth, 56:49; 34) Sigrid Lagerfelt, UAF, 57:11.

Men

20 kilometers

1) Henning Dybendal, Utah, 53:11; 2) Tor Erik Schjellerud, Colorado, 53:16; 3) Geir-endre Rogn, New Mexico, 53:21. **Other Alaska finishers** -- 8) Jesse Carlstrom, Nevada, 53:40; 9) Eric Strabel, UAA, 53:47; 16) Brent Knight, UAA, 54:44; 18) Erik Wickstrom, UAF, 55:25; 32) Jonas Tetlie, UAF, 59:12; 37) Anders Haugen, Williams, 1:03:01.

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SB

351

Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax



Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
(907) 465-3805 Fax

SENATOR LYDA GREEN
SENATE DISTRICT G

CSSB 351 (FIN) SUPPORTING MATERIAL

CSSB 351 (FIN) "An act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means."

Recent changes to the Alaska Statutes have allowed the Alaska Public Offices Commission to accommodate electronic reporting and distribution of information to the public. However, an unintended consequence is that APOC has determined that it will no longer accept filing of Public Official Financial Disclosures, Campaign Disclosures, Lobbyist Reports, and Legislative Financial Disclosures in a format other than electronic. Essentially, the Legislative intent to encourage APOC to develop the ability to accept electronic filing has resulted in an unnecessary obstacle for those members of the public not accustomed to using computers.

APOC is working to provide alternative filing plans for communities that lack reliable internet service but the alternative will likely be that they can just submit their disk, not that they get to continue to use paper forms. No accommodations are being contemplated for those members of the public who wish to continue to file in paper form. Ironically, paper copies of submitted filings will still be available from the office.

CSSB 351 (FIN) addresses this problem by broadening the acceptable format for filing of APOC mandatory reports. Specifically, while electronic filing may be encouraged, APOC shall continue to accept paper filing from those who do not want to take advantage of electronic filing opportunities.

CSSB 351 (FIN) is the result of conversations with APOC in order to address their concerns with the proposed legislation while at the same time staying true to the purpose of SB 351. The CS limits proposed changes to the filing required of an elected official or a candidate in an election and no longer addresses lobbyist filings.

Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax



Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
(907) 465-3805 Fax

SENATOR LYDA GREEN
SENATE DISTRICT G

CSSB 351 (FIN) SPONSOR STATEMENT

“An act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means.”

Recent changes to the Alaska Statutes have allowed the Alaska Public Offices Commission to accommodate electronic reporting and distribution of information to the public. However, an unintended consequence is that APOC has determined that it will no longer accept filing in a format other than electronic. This effectively creates an unnecessary obstacle for those not accustomed to using computers.

CSSB 351 (FIN) broadens the acceptable format for filing of APOC mandatory reports. Specifically, while electronic filing may be encouraged, APOC shall continue to accept paper filing from those who do not want to take advantage of electronic filing opportunities.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 351
(S) Publish Date: 3/10/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act requiring the Alaska Public Offices RDU Alaska Public Offices Commission
Commission to accept documents Component Alaska Public Offices Commission
Sponsor Senate Finance
Requester Senate State Affairs Component No. 70

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies	*					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	*	*	*	*	*	*
Part-time	*	*	*	*	*	*
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill seeks to reverse mandatory electronic filing as requested by the administration and approved by the legislature in 2003. This bill could have a significant fiscal impact on the Commission in meeting its mission by publishing campaign disclosure information before election day.

It is not known at this time how much of an impact this bill will have. The determining factor will be how many people choose to participate electronically without a legal requirement to do so.

Prepared by: Brooke Miles, Director
Division: Alaska Public Offices Commission
Approved by: Mike Miller, Commissioner
Agency: Department of Administration

Phone 907-276-4176
Date/Time 3/9/04 2:56 PM
Date 3/9/2004



Alaska State Legislature

Senate Majority Web: <http://www.akrepublicans.org>

Sponsor: Sen. Lyda Green
Current Version: CSSB 351 (FIN)
Contact: Kim Carnot, 465-6600
Date: April 14, 2004

Fact Sheet for: Senate Bill 351

Short Title: APOC Reports by Non-electronic Means

Summary:

- Broadens the acceptable format for filing of APOC mandatory reports. Specifically, while electronic filing may be encouraged, APOC shall continue to accept paper filing from those who do not want to take advantage of electronic filing opportunities.
- Standardizes the format of APOC forms for ease of completion by the filer.

Benefits:

- Gives APOC time to develop and test its electronic filing system.
- Makes running for office as user friendly as possible by giving candidates the choice of filing electronically or in paper format.

Background:

Recent changes to Alaska Statutes have allowed the Alaska Public Offices Commission to accommodate electronic reporting and distribution of information to the public. However, an unintended consequence is that APOC has determined that it will no longer accept filing of Public Official Financial Disclosures, Campaign Disclosures, and Legislative Financial Disclosures in a format other than electronic. Essentially, the Legislative intent to encourage APOC to develop the ability to accept electronic filing has resulted in an unnecessary obstacle for those members of the public not accustomed to using computers.



Center for Governmental Studies

10951 West Pico Blvd., Suite 120
Los Angeles, CA 90064
tel: 310.470.6590 ☎ fax: 310.475.3752
e-mail: center@cgs.org ☎ website: http://www.cgs.org

ELECTRONIC FILING AND DISCLOSURE SURVEY 2002 UPDATE

64 responses

50 states

6 Canadian provinces

6 Cities

Federal Election Commission

Elections Canada

1. Has your jurisdiction developed an electronic filing system for campaign finance, lobbyist, or personal financial disclosure statements?

- (a) Yes (46) U.S. AK, AL, AR, AZ, CA, CO, CT, DE, FE, FL, GA, HI, IL, IA, ID, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SD, TX, UT, VT, VA, WA, WV, WI
- (6) U.S. Cities Austin, Los Angeles, Madison, NYC, San Francisco (S.F.), Seattle
- (5) Canada British Columbia, Elections Canada, Manitoba, Ontario, Quebec
- (b) No (4) U.S. MT, SC, TN, WY
- (2) Canada Alberta, Yukon

Internet users can access scanned data from Alabama, Alberta, Arkansas, British Columbia, Mississippi, South Dakota, Vermont and West Virginia which scan campaign finance data, and from Delaware, Kansas and North Dakota which manually enter campaign finance data and post it online.

The only responding jurisdictions surveyed that do not use computers at all for campaign statements are Alberta, Montana, South Carolina, Tennessee, Wyoming and Yukon.

2. If yes, is the system voluntary for filers or is it mandatory?

- | | | | | |
|-----|------------------|------|-------------|--|
| (a) | Voluntary | (18) | U.S. | <u>AK, CO, DE, FL, IA, IN, KY, ME, MI, MN, NE, NV, NH, NJ, NM, OK, PA, UT</u> |
| | | (1) | U.S. Cities | <u>Madison</u> |
| | | (3) | Canada | <u>Elections Canada, Manitoba, Quebec</u> |
| (b) | Mandatory | (20) | U.S. | <u>AZ, CA, CT, FEC, GA, HI, IL, LA, MD, MA, MO, NY, NC, OH, OR, RI, TX, VA, WA, WI</u> |
| | | (5) | U.S. Cities | <u>Austin, Los Angeles, NYC, S.F., Seattle</u> |

MI Will have mandatory filing effective 2004 for those that spend/ receive \$20K+ in the previous election cycle.

NYC Proposed rules will make it mandatory and require all campaigns to use an electronic filing system. Under the proposed rules, campaigns must request a waiver from the Board in order to be excused from this requirement.

WA Since 1999, has been mandatory for gubernatorial candidates only.

WV Had difficulties with development, plan to resume this project in the future.

WI Our efforts for an electronic filing system of campaign finance reports incorporated with an integrated campaign finance and elections agency management system continue to be stalled for lack of funding. Until funding becomes available, the Elections Board passed an administrative rule requiring reports for those registrants who are required to file electronically to transfer their reports in a spreadsheet, text-delimited file, or RTF. We are posting these on our website. However, there is no searchable database. We will continue to post summary information for all filers.

3. If mandatory, please provide the thresholds for mandatory filing and the year they go (went) into effect?

All Campaigns (4 Jurisdictions)

MA Raise or spend more than 10% of expenditure limit for that office (since 2002).

NYC If candidates accept public financing.

RI For all statewide offices (Gov., Lt. Gov., SOS, Treasurer)

VA No thresholds. Mandatory for Governor, Lt. Governor and Attorney General. Voluntary for all other offices.

Candidates/ PAC's

\$500 or more (1 Jurisdiction)

AZ \$500 (since 1993).

\$1,000 or more (1 Jurisdiction)

NY = > \$1K (since 1999).

\$5,000 or more (7 Jurisdictions)

GA \$5K for PACs and political committees
HI \$5K for Governor, Lt. Governor, Mayor, Prosecuting Attorney and Council candidates (since 1997).
MD \$5K for candidates (since 1999).
MO \$5K received or spent by a candidate for statewide office for any reporting period.
NC \$5K for statewide candidates and from other candidate, political parties, or PAC's that receive or make contributions or expenditures in excess of said amount. All other candidates may file electronically voluntarily (since 1999).
S.F. \$5K in calendar year.
Seattle \$5K+ for PACs/ Independent Expenditures (since 2000).

\$10,000 or more (3 Jurisdictions)

GA \$10K for General Assembly, superior courts, district attorney and county or municipal offices (effective 1/1/03).
MO \$15K+ for any PAC making a contribution in excess of this amount in the applicable calendar year.
OH \$10K for any contribution or expenditure for statewide candidates (since 2001), PACs (since 2002) and General Assembly (eff. 2003)

\$20,000 or more (3 Jurisdictions)

GA \$20K for constitutional offices, Supreme Court, Court of Appeals, Public Service Commission (since 2/1/01).
TX \$20K except those claiming an exemption: (1) filer does not use computer equipment to keep records, (2) filers (other than candidates for statewide office or related PACs) that do not accept or spend more than \$20K in a year and (3) candidates for district judge, district attorney, or judge of a multi-county statutory county court, and related PACs (since 7/1/00).
WI \$20K for candidates receiving in a campaign period and for non-candidates, same amount received in a biennium (since 7/22/02).

\$25,000 or more (5 Jurisdictions)

Austin \$30K or agree to public financing by signing a contract.
IL \$25K (since 1999), \$10K (effective 2003).
Los Angeles \$25K (since 2001).
Seattle \$25+ for candidates, ballot issues (since 1998).
WA \$25K+ for any campaign or committee who previously or expects to expend this amount (since 2002); will reduce to \$10K in 2004.

\$50,000 or more (5 Jurisdictions)

<u>CA</u>	\$50K (since 7/00).
<u>CT</u>	\$250K for statewide candidates only (since 1/1/99).
<u>FEC</u>	\$50K in receipts & disbursements (since 1/1/01).
<u>LA</u>	\$50K in receipts for statewide offices (since 1999).
<u>OR</u>	\$50K total combined activity (since 2000, with waivers granted until 2004).

For 25 total jurisdictions, the median was \$10,000.

Lobbyists (1 Jurisdiction)**\$5,000 or more**

<u>CA</u>	\$5K (since July 2000).
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4. Please circle which persons file financial statements electronically with your agency. (Circle more than one, if appropriate.)

- (a) Candidates (46)
 (b) Political Committees (39)
 (c) Lobbyists (9)
 (d) Political Consultants (0)
 (e) Officeholder statements of economic interest (3)

(a) AZ, AK, Austin, C.A, CO, CT, DE, Elections Canada, FEC, FL, GA, HI, IL, IA, IN, KY, Los Angeles, LA, Madison, ME, Manitoba, MD, MA, MI, MN, NE, NV, NH, NJ, NM, NYC, NY, NC, RI, OH, OK, OR, PA, Quebec, S.F., Seattle, TX, UT, VA, WA, WI

(b) AZ, AK, Austin, CA, CO, CT, DE, FEC, FL, GA, HI, IL, IA, IN, LA, ME, MD, MA, MI, MN, NE, NV, NH, NM, NY, NC, OH, OK, OR, PA, RI, Quebec, S.F., Seattle, TX, UT, VA, WI

(c) CA, CO, DE, IA, LA, ME, NE, PA, UT

(d) None

(e) LA, Seattle, WA

<u>Los Angeles</u>	Currently developing online system for lobbyist registration & disclosure.
<u>MO</u>	Currently have none e-filing. In process of developing the system.
<u>PA</u>	Lobbyists who contribute to candidates.
<u>Quebec</u>	Political parties at municipal and provincial levels can file their return of election expenses electronically. But we still demand the paper copy for signature.

WA Including appointed officials.

5. **Do your filers need particular software that they must use, or can they use any software package that is compatible?**

- (a) **Must use particular software package (14)**
 (b) **May use any software package that is compatible (33)**

(a) U.S. AK, DE, IA, IN, LA, MA, MN, NJ, NM, RI, VA
 Canada Elections Canada, Manitoba, Quebec

(b) U.S. AZ, CA, CO, CT, FEC, FL, GA, HI, IL, KY, MD, MO, MI, NE, NV, NH, NY, NC, OH, OK, OR, PA, TX, UT, WA, WI
 U.S. Cities Austin, Los Angeles, Madison, NYC, S.F., Seattle
 Canada Elections Canada.

If a particular software package, name the package.

CA Currently supported only by private sector certified vendors but starting on Jan 1, 2003 there will be a free web-base alternative for filing.

CT Web-based system, only need Adobe Acrobat 4.0 software.

DE Developed by IBM for Delaware.

Elections Canada Candidates must use particular software, while Political Parties use text delimited files.

GA May use any software package that is compatible – software must be certified by our office prior to use or candidate may use developed program written in Access 2000 or Access 2002.

IA Board developed, so not named.

IN Was developed by our computer company that works with our agency.

LA L.E.A.D.E.R.S.. Filers can upload from other programs using a vendor package.

Manitoba Custom developed.

MD O.C.P.F. developed: Reporter 3.0, Depository Reporter or Bank Reporter – depends on the type of filer.

MI The compatible software program must meet our filing format.

MN Finance-2002

MO Web based reporting system. Only need software to access the Internet.

NV Web-based application, only need a browser.

NJ Customized software developed for NJ ELEC. R1 Electronic Filing System (REFS) used by legislative candidates and political committees and Gubernatorial Electronic Filing System (GEFS) used by gubernatorial campaign committees.

NM SOS Issues software

NYC C-SMART – Campaign Software for Managing and Reporting Transactions. Although filers may use any software that is compatible, we strongly recommend and urge candidates to use our software to avoid compliance issues that may effect public fund payments.

NY File layouts must meet our specs.

PA The Department provided on our website a list of vendors whose software is compatible.

Quebec Access 2000

RI System is Internet based so all filers must enter on-line.

VA VA Filing Software

WI The files must be RTF, in an Excel Spreadsheet, or in a text-delimited file. Until funding becomes available, starting with the 07/02 continuing report due 7/22/02 in our office, registrants will transfer their reports electronically and those reports will be posted on our website.

6. Have you developed a software package that filers may use?

Yes	(24)	U.S.	<u>AZ, DE, FEC, GA, HI, IL, IA, IN, KY, LA, MD, MI, MN, NJ, NM, NY, NC, OK, TX, UT, VA, WA, WI</u>
	(3)	U.S. Cities	<u>Los Angeles, NYC, S.F.</u>
	(3)	Canada	<u>Elections Canada, Manitoba, Quebec</u>
No	(11)	U.S.	<u>CA, CO, CT, DE, MO, NE, NV, NH, OH, PA, RI</u>
	(3)	U.S. Cities	<u>Austin, Madison, Seattle</u>
	(2)	Canada	<u>Alberta, B.C.</u>

CA We have defined the filing format (CAL), but no software packages.

DE Dept of Elections staff receive and input the reports using an IBM developed software program for the state. Candidates do not electronically file information but blank forms can be downloaded in PDF, printed and used by political committees designated by the forms.

GA We have developed a downloadable Access Program candidates can use as long as they have Access 2000 or Access 2002.

HI Hawaii Electronic Reporting and Tracking System (HERTS) Generation 2.

IL IDIS Electronic Filing Software Vers. 1.2.

KY Developed by vendor.

MA Done in-house.

MI Yes.

MN Finance-2002

NYC C-SMART has been developed by that Campaign Finance Board (CFB).

OK Yes, in 1997; however, as of 7/1/02, it may longer be used due to changes in the rules, forms and schedules. We are currently developing new software.

OR No, but two private vendors have.

Seattle No, but our filers can use the State of Washington Software, WEDS.

TX The Ethics Commission has worked with a private vendor to develop new computer software that filers may obtain free of charge and install on their own computers for generating reports. Software purchased from third-party vendors may also be used if it generates reports in the required format.

- UT It's available as part of the on-line filing. It doesn't really "manage" their campaign account but they can use it to store information that hasn't been submitted yet.
- WI We have a simple Access database and Excel spreadsheet available off our website. The local designers created them for candidates' committees and have given these files to us. We have made them available to registrants from our website. Both print reports that comply with our campaign finance reporting requirements.

7. If so, how much does it cost the filers?

- Free DE, Elections Canada, FEC, GA (as long as have Access 2000 or 2002), HI, IL, IA, IN, KY, LA, Los Angeles, LA, Manitoba, MD, MA, MI, MN, NJ, NM, NYC, NY, NC, OK, Quebec, S.F., Seattle, TX, UT, WA, WI.
- OR One vendor charges \$1K for initial purchase and \$600 for two-year renewals, and allows additional committees to add on to purchased packages for \$300.
- VA \$35.00

8. Does the software include campaign management features beyond those necessary to comply with electronic filing requirement? What are they?

- DE Checks and balances that indicate if contribution limits have been exceeded.
Elections Canada Ability to print tax receipts for contributors to candidates.
- IL Check numbers; printing list of receipts and expenditures by range of date, check number and amount; print mailing labels; importing names and address.
- IN Allows them to store data, so they don't have to keep re-entering.
- KY Banking and Mail-merge - supported by vendor only.
- Manitoba Diagnostic checks and tips to aid in compliance.
- MD Excel based database allows for data export.
- MI Features include flagging potential errors, excess contributions, corporate contributions, missing data, etc.
- MN Yes, letter writing, import registered voters lists, label and phone # programs, entity tracking, and voter history.
- NJ Yes, both applications allow the information to be exported to either a flat file or spreadsheet. The GEFS application allows the user to scan and store the source documentation in electronic media for archival purposes as well as fulfilling the filing requirements. The REFS application aggregates contribution amounts by contributor.
- NYC C-SMART provides different types of reports that may assist in campaign management such as Contributor list, sorting functionality and features that assist in complying with the CFB such as limits. C-SMART is also able to export data that may be used for mail merge, spreadsheets, etc.
- NC Yes. Audit features, run labels, search for specific contributions or disbursements, daily statements.

- OK It will keep a record of expenditure information that is not required on the form; otherwise, it is form-based.
- OR This vendor's program generates thank-you/ acknowledgment letters, IRS reports, occupation inquiry letters.
- Seattle Accounting features, reconciliation features, exporting names and addresses.
- TX Import/export feature for names and addresses.
- WI The Access database was developed for candidates and does have some campaign management features. Very minimal. We do not support it.

9. How do filers send you the information? (Circle all that is appropriate.)

- (a) **Mail in disks (23)**
 U.S. AZ, FEC, FL, HI, IL, IA, KY, LA, MD, MI, NJ, NM, NY, NC, OR, PA, TX, WI
 U.S. Cities Austin, NYC, S.F.
 Canada Elections Canada, Quebec
- (b) **File over the Internet (39)**
 U.S. AK, AZ, CA, CO, CT, FEC, GA, HI, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MO, NV, NH, NM, NY, NC, OH, OK, OR, PA, RI, TX, UT, VA, WA, WI
 U.S. Cities Los Angeles, Madison, S.F., Seattle
 Canada Quebec
- (c) **Provide paper copies (58)**
 U.S. AL, AK, AR, CA, CO, CT, DE, FL, GA, ID, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY
 U.S. Cities Austin, Los Angeles, Madison, NYC, S.F., Seattle
 Canada Alberta, B.C., Elections Canada, Manitoba, Ontario, Quebec
- All of the above IA, KY, LA, MD, MI, NM, NY, NC, OR, PA, S.F., TX, Quebec, WI

- Austin Filers can bring in a disk.
- IL Also has modern filing.
- LA Filers can provide paper copies if not filing electronically.
- MA Filers can provide paper copies until 2004.
- MI FTP file to our server.
- NE Filers download forms to PC, fill them out in Word and submit paper copy.
- NYC Additionally, filers may also have information hand delivered.
- PA This fall (2002) will be able to file over Internet.
- Quebec Filers submit paper copy with either disk or Internet submissions.

WV Filers can download CF forms in PDF, fill out on their computers and printout for submission.

10. Do filers have to provide street addresses when filing electronically?

- (a) Yes (43)
- (b) No, but have to provide street addresses when filing paper copies (8)
- (c) Don't provide street addresses even when filing paper copies (2)

(a) U.S. AK, CO, CT, DE, FEC, FL, GA, HI, IL, IA, IN, KY, LA, ME, MA, MI, MN, MO, NE, NV, NH, NJ, NM, NY, OH, OK, OR, PA, RI, TX, UT, VA, WA, WI
 U.S. Cities Austin, Los Angeles, Madison, NYC, S.F., Seattle
 Canada Elections Canada, Manitoba, Quebec

(b) U.S. AL, AR, CA, MD, MS, SD, VT
 Canada Ontario,

(c) U.S. NC
 U.S. Cities Madison

NC They must provide a mailing address, but it does not have to be a street address.

11. After a candidate or committee files a statement, is it posted online?

- (a) Yes, in its entirety by scanning (29)
 U.S. AL, AZ, AR, CT, CO, FEC, GA, ID, IL, IA, LA, MI, MS, MO, NE, NV, NH, NJ, NM, OH, RI, SD, VT, WA, WV, WI
 U.S. Cities Austin, Madison
 Canada B.C.
- (b) Yes, but not all information is posted (13)
 U.S. AK, CA, KS, MD, OR, PA, TX, WI
 U.S. Cities Seattle
 Canada Alberta, Manitoba, Ontario, Quebec
- (c) Not at all
 U.S. MT, OK, TN, WY
- (d) It is entered into a database so that anyone can download it (31)
 U.S. AK, CA, CO, DE, FL, HI, ID, IN, KY, LA, ME, MA, MI, MN, MO, NJ, NY, NC, ND, PA, RI, SD, UT, VA, WA, WV, WI
 U.S. Cities Los Angeles, NYC, S.F.
 Canada Elections Canada

12. Does your agency compile any data from these state elections and post them online before the election? (Circle all that is appropriate.)

No (11) AL, AR, Austin, Elections Canada, IA, LA, Manitoba, MO, NH, ND, OK, VT, WY

If so, what kind of information or describe the information:

- (a) **The big picture, totaling how much was raised and spent (20)**
 U.S.: AK, AZ, DE, FEC, FL, ID, IN, MI, NJ, NY, OR, RI, SD, TX, UT, WA
 U.S. Cities: Los Angeles, NYC, Seattle
 Canada: Quebec
- (b) **Data is searchable by contributor (34)**
 U.S.: AK, AZ, CO, CT, DE, FEC, FL, GA, HI, ID, IL, IN, KS, KY, ME, MA, MD, MI, MN, NE, NV, NJ, NY, NC, OH, RI, TX, UT, WA
 U.S. Cities: Los Angeles, NYC, S.F., Seattle
 Canada: Quebec
- (c) **Data is searchable by candidate or committee (44)**
 U.S.: AK, AZ, CA, CO, CT, DE, FEC, FL, GA, HI, ID, IL, IN, KS, KY, ME, MD, MA, MI, MN, MS, NE, NV, NJ, NM, NY, NC, OH, OR, PA, RI, SD, TX, UT, VA, WA, WV
 U.S. Cities: Los Angeles, Madison, NYC, S.F., Seattle
 Canada: Ontario, Quebec
- (d) **Data is downloadable (35)**
 U.S.: CA, CO, FEC, FL, GA, HI, ID, IN, KY, ME, MD, MA, MI, MS, NE, NV, NJ, NM, NY, NC, OH, PA, RI, SD, VA, WA, WV, WI
 U.S. Cities: Los Angeles, Madison, NYC, S.F., Seattle
 Canada: Ontario, Quebec

All of the above: (13) FEC, FL, ID, IN, Los Angeles, MI, NJ, NYC, NY, Quebec, RI, Seattle, WA

CA Displays filed data by filer and separate late contribution pages.
LA Planning to do "big picture" for next statewide election in 2003.

13. Do you compile information after the election and post this on the website? (Circle all that is appropriate.)

No (17) U.S. AR, AL, IL, IA, LA, MI, MS, MO, NH, OK, OR, TX, VA, WV, WI, WY
 U.S. Cities Austin

If so, what kind of information or describe the information:

- (a) **The big picture, totaling how much was raised and spent (25)**

- U.S. AK, AZ, DE, FEC, FL, HI, ID, IN, KS, MA, NV, NJ, NY, NC, ND, RI, SD, UT, WA
- U.S. Cities Los Angeles, NYC, Seattle
- Canada Alberta, Manitoba, Quebec
- (b) **Data is searchable by contributor (31)**
- U.S. AK, AZ, CT, CO, DE, FEC, FL, HI, GA, ID, IN, KS, KY, ME, MD, MA, MN, NE, NJ, NY, NC, OH, RI, UT, VT, WA
- U.S. Cities Los Angeles, NYC, S.F., Seattle
- Canada Elections Canada,
- (c) **Data is searchable by candidate or committee (37)**
- U.S. AK, AZ, CA, CO, CT, DE, FEC, FL, GA, HI, ID, IN, KS, KY, ME, MD, MA, MN, NE, NJ, NM, NY, NC, OH, PA, RI, SD, UT, VT, WA
- U.S. Cities Los Angeles, NYC, S.F., Seattle
- Canada Elections Canada, Manitoba, Ontario
- (d) **Data is downloadable (32)**
- U.S. CA, CO, FEC, FL, GA, HI, ID, IN, KY, ME, MD, MA, NE, NJ, NM, NY, NC, ND, OH, PA, RI, SD, VT, WA
- U.S. Cities Los Angeles, Madison, NYC, S.F., Seattle
- Canada Elections Canada, Manitoba, Ontario
- All of the above FEC, FL, HI, ID, IN, Los Angeles, NJ, NYC, NY, NC, RI, Seattle, WA

14. **Do you require separate reports for independent expenditures or late expenditures?**

- (a) Yes (36) U.S. AK, CA, CO, CT, FEC, FL, ID, IN, KS, KY, LA, ME, MA, MI, MS, NE, NV, NH, NJ, NY, NC, OH, OK, OR, PA, RI, TX, WA, WV, WI
- U.S. Cities Los Angeles, Madison, S.F., Seattle
- Canada B.C., Elections Canada,
- (b) No (23) U.S. AL, AZ, AR, DE, GA, HI, IL, IA, MD, MN, MO, NM, ND, SD, UT, VT, VA, WY
- U.S. Cities Austin, NYC
- Canada Alberta, Manitoba, Quebec

If yes, describe:

AK One page report that discloses date, amount and check number for expenditures made in support of or opposition to a candidate or ballot question, includes name and address of person making expenditure.

B.C. Election advertising sponsors (Third Parties) must register and file disclosure reports showing how much they spent on advertising and any contributions received.

- CA Reports are filed on separate forms and displayed in an LCR/LLE section of website. If SB2095 passes, we'll have to add independent expenditure links to the candidates' pages, which we hope to do anyway.
- CO Independent expenditures are filed by separate form or website. Late expenditures are not filed separately.
- CT For independent expenditures over \$1,000.
- FEC Made during the twenty days prior to an election and over \$1,000.
- ID For entities not already filing the regular disclosure reports but not for committees filing since the independent expenditures are reported on their regular reports.
- IN Amendments
- KY Person making expenditure is required to make an independent expenditure report.
- LA Any person other than a candidate or committee accepting or spending >\$500 to influence an election must report.
- ME 21A M.R.S.A. §1019 + Commission Rules: >\$250 within 48 hrs of expenditure.
- MA If over \$100, within 7 days of making it. File on paper; electronically in 2004.
- MI They must file in any written format the name, date, amount, occupational info.
- MS See Miss. Code Ann. § 23-15-800
- NE Late independent expenditures must be reported within 2 days. A L.I.E. is an I.E. of \$1K or more made in the 14 days preceding the election.
- NV Independent expenditures report on + separately.
- NH Any expenditures of this nature must be filed within 24 hours if over \$500.
- NJ Reports are filed by those entities spending over the applicable thresholds.
- NY Any contribution or loan over \$1000 received before an election but after the cut-off date for the 11 day pre-election filing.
- NC There is a separate form to be completed for independent expenditures. This form is the "Report of Independent Expenditures and Contributions" form (CRO-2210).

- OR These are quite rare, usually apply to voters' pamphlet measure argument purchases, are not filed electronically and are not posted on our website.
- PA Independent expenditures are filed by the person making the expenditure on a separate form. Candidates report late contributions received after the pre-election report filing dates, but they are not reported on-line prior to an election. Late contributions appear on the 30 day post-election report online.
- RI Forms can be submitted on line.
- S.F. FPPC Forms 461, 465, 496.
- Seattle Same as for committees, i.e. all expenditures plus if not one person's money, then all contributors of \$25 or more.
- TX Individuals who make independent expenditures exceeding \$100 must file report. Corporations that make expenditures in connection with a measure election must file a report. These reports are not required to be filed electronically.
- WA PDC form C6 Independent Expenditures must be submitted within 24 hours of the independent expenditure.
- WV Independent expenditures must be reported.
- WI The committee making independent disbursements must complete a separate report along with their campaign finance report. In addition, during the 15-day period before an election event, committees making independent expenditures must report their activity within 24 hours when the amount exceeds \$20.

15. **If yes, do you compile information regarding independent expenditures and put it on the website? (Circle all that applies.)**

- (a) **Yes (22)**
 U.S. AK, CO, FEC, ID, IN, MA, MI, NE, NV, NJ, NY, NC, PA, RI, WA, WV, WI
 U.S. Cities Los Angeles, Madison, S.F., Seattle
 Canada B.C.
- (b) **It is on searchable database (11)**
 U.S. CA, CO, CT, ID, IN, MI, NE, NJ, NC, RI
 U.S. Cities Madison, S.F.
- (c) **We summarize it in a separate section (9)**
 U.S. CO, FEC, MI, NY, PA, WA
 U.S. Cities Los Angeles, S.F., Seattle

All of the above: CO, S.F.

No FL, KS, LA, ME, MS, NH, OH, OK, OR, TX

MA scans and posts these.

WI scans and posts these.

16. **How many filings do you receive?**

(a) **Number** _____

10 or less	<u>Austin, OK</u>
11-50	<u>Madison, OR</u>
51-100	<u>AK, CO, NC</u>
101-300	<u>GA, NM, PA, S.F., VA, WI</u>
301-500	<u>MO</u>
501-1,000	<u>LA</u>
1,001-5,000	<u>AK, CT, Elections Canada, KY, MA, NY, Ontario, RI, Seattle, TX</u>
Over 5,000	<u>CA, FEC, IL</u>

For 28 jurisdictions, the median was 450.

(b) **Percentage of eligible filings** _____

0-10%	<u>KY, NM, NC, OK</u>
11-20%	<u>LA, MN, PA</u>
21-30%	<u>Elections Canada, OR</u>
31-40%	<u>AK, Austin, FEC, FL, IL</u>
41-50%	<u>CA, CO, S.F., TX</u>
51-60%	
61-70%	<u>Manitoba</u>
71-80%	<u>NYC, UT</u>
81-90%	<u>Seattle</u>
91-100%	<u>CT, NY, Quebec</u>

For 24 jurisdictions, the median was 38%.

(c) **How many were received in your last:**

a. **election year** _____

Under 10	<u>Austin, OK</u>
11-50	<u>Madison, OR</u>
51-100	<u>AK, CO, GA, NJ</u>
101-300	<u>KY, MN, NM, S.F., VA</u>
301-500	<u>NC</u>
501-1,000	<u>Los Angeles, MI</u>
Over 1,000	<u>CA, CT, FEC, IL, LA, NYC, NY, Ontario, RI, Seattle, TX</u>

For 27 jurisdictions, the median was 388.

b. non-election year _____

Under 10	<u>Madison, OK</u>
11-50	<u>AK, NJ, NM, OR</u>
51-100	<u>CO, GA, MN, VA</u>
101-300	<u>Los Angeles., NYC, NC</u>
301-500	<u>Ontario</u>
501-1,000	<u>LA, Seattle</u>
Over 1,000	<u>CA, CT, FEC, IL, NY, RI, TX</u>

For 24 jurisdictions, the median was 165.**17. What is your annual budget for electronic filing information?**

Under \$1,000	
\$1,001-10,000	<u>MN, Seattle</u>
\$10,001-25,000	<u>IA, LA, OK, Quebec</u>
\$25,001-50,000	<u>AK, ME, MO</u>
\$50,001-75,000	<u>MA, S.F.</u>
\$75,001-100,000	<u>TX</u>
\$100,001-250,000	<u>IL, CO, NY, OH</u>
\$250,001-500,000	<u>WA</u>
Over \$500,000	<u>CA, FEC, PA</u>

For 20 jurisdictions, the median was \$87,500.

GA Not a specific line item in the budget. It is included in the Elections budget.

HI Varies

Los Angeles No specific annual budget strictly for e-filing.

NJ We do not maintain a separate budget for electronic filing.

NM Salary 1 FTE

NYC System development staff is responsible for electronic filing, therefore a separate budget is not required:

OH This number will be greatly reduced this year.

OK \$15K maintenance.

OR Not tracked separately in budget.

PA Carried over this \$5K to this fiscal year to complete the project.

Seattle Not counting salary of 1/2 FTE.

UT We don't have a specific budget for this. It comes out of our administrative budget.

WA 6 IT Staff who also do more than just e-filings = \$350K.

WI Uncertain. Cost of agency staff time and there will be a monthly cost for hosting the website based on size of files stored.

18. How much did it cost you to develop your electronic filing program?

\$25,000 or less	<u>AK, AZ, Manitoba, Quebec, WI</u>
\$25,001-50,000	
\$50,001-75,000	<u>NV</u>
\$75,001-100,000	<u>UT, VA</u>
\$100,001-250,000	<u>CO, Elections Canada, DE, HI, LA, MN, NJ, OK, OR, S.F.</u>
\$250,001-500,000	<u>IL, IA, Los Angeles, ME, NY, RI, TX, WA</u>
\$500,001-1,000,000	<u>FEC, MA</u>
Over \$1 million	<u>CA</u>

For 28 jurisdictions, the median was \$164,300.

FL In-house
GA Developed in-house by IT staff.
HI \$50K - HERTS, \$50K - HERTS 2, \$62K - HERTS2 Enhancement
IA 1st failed attempted - \$247K, 2nd failed attempt - \$82K, Internet project - cannot be computed at this time, (on-going work).
IN Still in the pilot stage - no payment has been made yet,
KY Vendor developed software on his own.
MO Entire electronic reporting systems in-house, did not request any additional funds for this process (I.S. Department has a total of 4 people: 1 Network Administrator, 1 Call Support, 1 DBA/ Programmer, 1 Programmer).
NM Salary 1 FTE
NYC Our electronic filing system has been redeveloped in house, by system development staff over the years since 1993.
NC The completed development of the new electronic filing program is not complete.
OH Designed & built in-house. No additional staff hired for project - no additional major equipment.
OK In 1997, it cost us \$70K. This year we will spend \$90K to develop new software.
Seattle \$0, our filers use state's software.
WA Paid SDR Technologies \$209K in 1998. IT Staff replaced most of SDR Solution in 2000/01: \$300K + salaries + benefits.

19. **What has been the response to your program from candidates, committees, press and the general public? Include whether you think the data is being used to the extent you hoped.**

AK Very positive from users and public. Our goal is a web-based filing system with a fully searchable/downloadable database.

CA Generally good response. Some researchers find it incomplete or insufficient for their needs. Media is generally satisfied. We have recently started offering a complete download of the database on CD-ROM for \$5 and once that becomes better known, I anticipate greater satisfaction. People seem to like the ability to see snapshots on our web pages, as well as PDF renditions of the filed forms.

CO Positive response. Data used more than expected.

CT Overall the response has been positive. Both the filers and the public are pleased with the ease of use of both systems and the accessibility of data which previously existed as hard copy in a central location.

DE Department of Elections staff receives filed reports via email and inputs it into the IBM program to create a database. Online database just became accessible January '02 and there have only been a few users. However, the Department of Elections office has a training area to show a person how to access the information wanted.

Elections Canada Positive response but printing was a problem.

FEC Generally positive. The data is easily available on the web and we have spoken with a number of researchers asking specific questions about using the electronic data. Additionally, data captured from paper reports only includes a subset of transactions, electronic filings include everything.

FL Everyone loves the program because the information is at your fingertips. I think it's great! Response would be better if electronic filing was mandatory.

GA Everyone really likes the e-filing ability. During an election year, the press uses our site to track contributions for candidates running in statewide elections. Since the e-filing is not entirely mandatory, the number of candidates submitting files electronically is about as expected.

ID Scanned reports and database have been viewed and used widely by general public, press, etc.

IL Response has been excellent. Candidates, committees, press and the general public are making use of the data. Very few criticisms. We also listen to the

feedback from people and have made some changes in how information is presented and searched on our website.

- IA We are moving from software to Internet filings. The positives have been that information can be submitted from any computer with Internet access. The negative has been that the Internet is slower and it takes longer to file. Everyone is excited about potential of viewing reports via the Internet. When system is perfected, the data will be used fully.
- IN So far our users are thrilled. We look forward to the completion of our pilot program, as it will save our agency a lot of money.
- KY The response has been great. The press is extremely pleased at this point.
- Los Angeles Positive response from all users particularly since we developed additional capabilities such as an upload feature and an expenditure query. These new features were created in response to user feedback.
- LA Although initial response was very positive, use has remained fairly static. Hoping for more electronic filers in next big election cycle-2003.
- ME Still in testing. Preliminary responses have been favorable. Many reports have been entered by Commission-employed temporary data entry persons. One major gubernatorial candidate participated.
- Manitoba Early stages, but the response is encouraging. Participants are very interested in the possibilities and have provided useful suggestions.
- MA Extremely positive from most. Some filers are nervous about actually filing electronically but we work closely with them. Data is being used right now by press and opposing campaigns. Public will catch on at some point.
- MI The response had been very favorable. It is heavily used and we think the use will continue to grow.
- MN In general, like compliance checking and campaign management features, uneasy with electronic data transfer. We hope to broaden use of the software this election cycle.
- MO Overall response by users has been very good. Would like more functionality added to current system. General public want search function added.
- NE Positive results from all sides in posting data on website.

- NV Because this is the first year this program is being utilized, comments have been limited but positive. We are going to have a survey for the participants to fill out after the reporting periods have concluded.
- NH They find it useful but hard to read because it is scanned. Filers find it extremely hard to do correctly.
- NJ The response from users has been extremely positive. The last election for which electronic filing was submitted was the 2001 general election. Both gubernatorial and legislative candidates were admitted to the electronic filing program. The gubernatorial candidates were admitted to the gubernatorial filing program. The gubernatorial candidates were able to submit their requests for public funding electronically in place of an original and three copies of paper reports and supporting documentation to the Commission. The materials for the submissions would include the submission reports and copies of contributor checks with signatures for verification. GEFS allowed the campaigns to burn every to one single CD for each submission of public matching funds as well as the required pre and post election reporting. It is now months past the election and we have not had requests for contributor lists of gubernatorial candidates, as in prior gubernatorial election years, indicating that the press and others are using the information from our website. The legislative campaigns were also very receptive to REFS as can be seen by the continued use of the program during the non-legislative election year. During the off election years, those office holders or potential candidates must file quarterly reports with the Commission.
- NM Generally good. Participation remains low.
- NYC Following the 2001 elections, the CFB surveyed candidates regarding their experience with C-SMART software. An overwhelming majority of the respondents found the software easy to navigate and understand. They also found the software helpful in complying with the New York State Board of Elections requirements as well. The response by the press has been positive. Journalists have expressed their appreciation regarding the quick access to data on our site.
- NY Response from all parties has been very favorable. The data is extensively used by the press and special interest groups.
- NC Based on preliminary results, the response has been positive from those candidates and committees utilizing the program. The press has found the electronic access most beneficial.
- OH Very well received by all. The data is being used extensively by the press & interest groups.

OK There was strong opposition to our first software. While it began as mandatory, that was repealed one year later. There has been strong support for a more user-friendly, form-based software, especially from the press.

Ontario Website info is very popular with political interest, media and general public. Visits to our public scrutiny room to view copies of filings have been greatly reduced.

OR Purchasers of the private vendor software are uniformly enthusiastic and recommend it to other committees. Many committees complain that the vendor software is too expensive and, thus, continue to request waivers. Individual treasurers who attempt to electronically file on their own find our format requirements cumbersome. The press uses the electronic files to avoid data entry workload.

Quebec Most intervenors required such programs. CD-ROMs were available for the return of election expenses and completed by approximately 90% of party candidates. A percentage above our expectations.

RI Positive response although the data could be used more.

S.F. Very favorable - However, large committees (>\$150K) may find data entry repetition.

Seattle Very positive. Everyone uses our data.

TX Mixed response from candidates. Favorable response from press.

VT Vermont candidates like the paper system.

WA Overwhelming positives from the press. Candidates & committees are typically positive, with only a few mandatory filers complaining.

20. Do you or any groups use the data filed with you to issue reports about campaign financing in your jurisdiction? If so, please send us copies of the reports or the names of the organizations.

AK University of Alaska, Fairbanks is conducting an on-going study.

CA I expect they will. You are beginning to, but I've not seen any comprehensive reports yet based on our data.

CO Not currently.

GA None other than press organizations.

- ID Our office compiles a summary at the end of each 2 year election cycle. There is a charge of \$10 for the summary.
- IL Biannually, we produce a book called *Money and Elections in Illinois*. We have been doing this since 1990; however, the quality of the publication has greatly increased due to easier access to information.
- IA Money and Politics Iowa
502 1/2 Brabant Laar.
Pella, Iowa 50129
mapiowa@aol.com
www.mapiowa.org
- Los Angeles We have always compiled summary information in a PDF format. We are currently in the process of implementing a system that will produce summary information automatically from the electronic filing system database.
- ME Not yet. Possibly in future.
- MA Perhaps Ma. Voters for Clean Elections. See massvoters.org.
- MI We have an excellent software and back-office system. But we would:
A) Improve reporting options for PAC's with payroll deduction
B) Enhance both importing and exporting features.
- MN Used by various researchers, (media & acadernic).
- NH Not that we know of.
- NJ Yes, the information is used by the NJ ELEC in compiling the statistical information found on its website and writing its White Paper series, which analyzes campaign financing and lobbying data.
- NM Not aware of any at this time.
- NYC Yes, the Post Election Report (PER). People buy the database on diskette but do not necessarily report back regarding the use of it. Journalists use the database on diskette to write stories requiring analysis. NYPIRG requested data from us to inform their testimony at our post-election hearings, however, they did not issue a report to our knowledge.
- NY We only compile reports for internal auditing purposes.
- OH We publish a Facts Book. Ohio Citizen Action produces a report as well.

Ontario Yes, latest is attached.

TX Several groups use the information filed with the Texas Ethics Commission to compile & issue reports including Texans for Public Justice, Common Cause, Texas Legislative Council, Texas Freedom Network, Texas Partnership PAC and Praxis List.

WA Sure, Ed Binder with statemoney.org and Gordon Nelson with ballotfunding.org.

21. Have there been any articles, such as law reviews, magazine features or newspaper stories written about you program? If so, please send them to us or provide a citation.

IL Page 5 of the June 2002 issue of the Guardian. The Illinois State Board of Elections Campaign Disclosure website was named the May 2002 "Government Site of the Month" on GovSpot.com, the award winning government information portal of the Web. Created to recognize outstanding local and state government websites, the award is presented each month to an innovative site offering a wealth of government services and information online. The website is <http://govspot.com/siteofmonth/0205ilcamfin.htm>

IA Nothing of great repute or interest - merely blurbs

KY www.courier-journal.com/localnews/2002/05/06/

Los Angeles Our system has been mentioned in various publications, but not featured.

MA Not primarily about it - it has shown up as a paragraph in passing. We will do a press release in late summer to drum up interest.

NV Yes, see attached.

NYC When the PER becomes available in September we will send it to you. There have been upward of 2000 articles and/or editorials written about the CFB in various press outlets for the "2001" election cycle.

S.F. Just radio news reports.

TX Various newspaper & magazine articles have been written about the Texas Ethics Commission. We do not maintain copies of these articles.

WA We have been nominated for a few industry awards by our imaging systems vendor, but not yet been awarded. The vendor did a White Paper article on our system: www.otg.com/stories/washingtonstatepdc.html.

22. **If you were doing your program over again, what would you do differently?**

AK Created a web-enabled database, not use Foxpro, or other software prone to eventual extinction. Explore mandatory filing legislation.

CA Design with even more end-user input. It was very hard to get the news media to give us their wish lists, but easy for them to criticize when it didn't meet all their needs.

CO Currently satisfactory.

Elections Canada The system was developed under tight constraints. We would budget more time for the project and use web based forms.

FEC I would not have included a print module that creates a paper filing in an acceptable format. This encouraged a number of filers to use the free electronic software to print and file reports which causes a drain on support resources.

FL Make electronic filing mandatory by statute.

IL We have had two versions released since the initial software was released in 1999. We have incorporated ideas from the user. We are happy with our program and the only negative might be the time required to get changes made. We have a very good relationship with our vendor, but it is obvious communication is more difficult when the developer is not in-house.

IA

1. There should have been more contractual boundaries.
2. No general use of program until exhaustively tested.
3. Program needed greater control/oversight by Board – vendors always had loose oversight.
4. Greater technical knowledge by Board staff before undertaking venture.

IN So far we are pleased with our progress. Changes are being made along the way to improve and perfect the software.

KY Always room for improvement, try to make it more idiot proof.

Los Angeles Space permitting, we would have created an upload feature that accepted CAL-ACCESS format right off the bat. Also, we would have created PDF output instead of HTML for 460's.

LA Allow transfer of existing databases into electronic filing program. Provide greater automation in the reports.

- ME Hire an information systems specialist to serve as liaison with software vendor.
- MA So far, so good. We'll see in September when the first real busy period comes. We have made some minor revisions, but that is to be expected.
- NE While the pre-election tests of the program (candidates in the 2001 Omaha and Lincoln City Elections) by the NADC staff were generally positive, there were some issues that needed to be addressed. The vendor was a one person, part time operation who was not very responsive to the need for follow-up work. The program was written in FoxPro. The state employee who had an expertise in FoxPro and who was to provide technical support left the employ of the State of Nebraska. Because of these factors, the NADC delayed the implementation of the candidate electronic filing program.
- NV Include the ability to create reports i.e. who contributed the most to whom; who spent the most, etc.
- NJ After meeting with the representatives of both gubernatorial general election campaigns after the election, we are taking the best of their suggestions as well as other areas to make enhancements and changes to the GEFS program. Enhancements and changes will be made to add a few campaign management tools as well as make the program more user friendly. They will include contributor aggregate amounts, the ability to export the contributor and expenditure tables from the database for use in the next campaign of a candidate. The addition of another table with fields that can be programmed "on the fly." Also for NJ's particular submission filing due dates, we will recommend changing the Monday submission days to later in the week. Because the 2001 election cycle was the first time using the GEFS and submission deadlines are noon on Mondays, staff made themselves available over weekends.

The REFS program is being changed to make for a more user-friendly interface, to add an additional table again with fields that can be programmed "on the fly" for campaign management and other programmatic enhancements. We are looking to make both programs purely electronic with the ability to file through the Internet. Both the REFS and GEFS programs use an encryption program for security purposes.

- NM Make mandatory.
- NYC C-SMART was first widely used by campaigns in the 1993 NYC elections. Software development is an iterative continuous process. Some of the things that we have done to improve C-SMART over the years include the following:
- Fine tuning hands-on training and encouraging more campaigns to attend earlier in the election cycle.
 - Continue to make software more user friendly.

- Adding additional features to assist in overall campaign management.
- Simplify and facilitate the amendment process.

NY Nothing given the staff and budget provided for the project.

NC We are currently revising our program. One change being implemented is direct transfer of information over the Internet. Other changes include: improved record-keeping, new forms, audit features for the filer, improved searching and printing.

OK Yes. We are doing the new software much differently. Our plans and specifications are very precise.

OR Start with an XML web based format and include end users more intensely in the development phase. Provide a bare bones electronic filing option for smaller committees that find vendor software prohibitively expensive.

Quebec Nothing identified so far.

S.F. Control.

Seattle Develop our own filing software, not rely on state's.

TX Not include Macs. Have more time for development.

WA Build more in-house. Involve end-users more in the development lifecycle.

23. Any additional comments, suggestions or questions you would like other agencies to discuss?

AR We are in the developmental stage for on-line filing for PAC and Lobbyists currently scheduled for deployment in January 2003. Information Network of Arkansas is developing this program for the Secretary of State.

B.C. Elections BC has been working on developing an electronic filing program for sometime. The software was nearly completed and ready for final testing when the government cut our operating budget. Although we had a fixed-price contract with the vendor, we lost funding for ongoing maintenance and amortization (which is required over 5 years in BC). Therefore, we cancelled the project and wrote-off the development costs. We hope to re-initiate it when and if budgets are restored.

CA It'll be an interesting year from now when we've launched CAL online!

CT The main problems were caused by the rapidly changing IT environment. By the time the system was completed, newer (and better) development tools were available.

Elections Canada Can clients enter data directly on the web site? Do other agencies accept electronic signature and if they do, how do they confirm it?

- IA
1. Why is electronic filing so important?
 2. Is it worth the cost and hassle?
 3. Does the public, not just academics and the media, really care?
 4. How do we get the public excited about it?

Los Angeles We'd be interested to know how other agencies track contributors across filings when looking for contribution violations. Since ours use free-form text, we often have to use several searches to get the information.

ME Our biggest problem has been the inefficiency of staff (qualifications and available personnel) to adequately coordinate with the software vendor during project development.

Manitoba We are doing it over again and we will be adding a record keeping system.

MA Get a good, reliable vendor who understands the subject matter.

MO We are in the process of upgrading all of our reporting systems to a new platform (.NET). With these upgrades, we plan to make dynamic reporting available to the public and add future capabilities if and when electronic filing is mandatory for all filers.

NE The NADC is now in the process of deciding how or if it wishes to approach electronic filing. An ad hoc committee has been formed to study the issue and make recommendations. Several factors have come into play. First, Microsoft acquired the rights to FoxPro, and it is expected that it will eventually cease to support it. Second, there does not seem to be much interest among candidates or other groups in electronic filing. Third, one of the main attractions of electronic filing is that the information can be easily added to a database and put on a website. This is already being done via data entry.

- NYC
1. How jurisdictions deal with late filings caused by software problems.
 2. Issuing patches: Circumstances under which they are issued? How are they distributed? Requirements for use once issued? Laws, rules, regulations governing patches?
 3. Importing contributor/ name data into the software.
 4. Campaign management features: Who has them? Have they been successful? What are they?

Ontario While it is almost inevitable that we will move to some form of electronic filing, we are currently happy to be learning from other jurisdictions.

OR Development of uniform format, nationally, for occupational/ employer information.

Seattle Do it in-house with dedicated staff. Do not contract it out!

SB

354

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 354
 (S) Publish Date: 2/27/04

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title "An Act relating to complaints filed RDU Executive Operations
with the State Commission for Human Rights.." Component Human Rights
 Sponsor Rules Committee
 Requester Governor Component No. 1

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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)

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 (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This legislation has no fiscal impact on the Alaska Human Rights Commission.

Prepared by: Gail Fenumiai, Asst. Admin. Director LP Phone 465-3885
 Division Office of the Governor, Administrative Services Date/Time 2/24/04 9:17 AM
 Approved by: Paula Haley, Executive Director Date 2/24/2004
 Agency Alaska Human Rights Commission

not offered

AMENDMENT #

OFFERED IN HOUSE STA BY REPRESENTATIVE BERKOWITZ

TO: CSSB 354(STA) am(efd fld)

Page 4, lines 25-29:

Delete: "for a period of not more than one year if hiring, reinstatement, or upgrading of an employee is inappropriate because no vacancy exists, the employer's discriminatory practice rendered the employee incapable of returning to work, or the relationship between the employer and employee has so deteriorated as to make working conditions intolerable"

not offered

AMENDMENT # 6

OFFERED IN HOUSE STA

BY REPRESENTATIVE BERKOWITZ

TO: CSSB 354(STA) am(efd fld

Page 4, line 25:

Delete "one year"
Insert "two years"

not offered

AMENDMENT #5

OFFERED IN HOUSE STA

BY REPRESENTATIVE BERKOWITZ

TO: CSSB 354(STA) am(efd fld

Page 4, line 20, following "order":

Insert "appropriate relief, including but not limited to,"

Page 5, line 11:

Delete "[, BUT NOT BE LIMITED TO,]"
Insert "; but not be limited to,"

AMENDMENT

#4

not
offered

4

OFFERED IN HOUSE STA

BY REPRESENTATIVE BERKOWITZ

TO: CSSB 354(STA) am(efd fld)

Page 4, lines 17-18:

Delete: "The commission may not order an award of noneconomic or punitive damages in any case."

AMENDMENT NO. 27

OFFERED BY: _____

not offered

1 At page 1, line 7, delete the phrase:

2 “, verified”

3 At page 2, line 8, after “. . . alleged discriminatory practice stopped.” insert:

4 “A written document signed or made by the claimant in substantial compliance
5 with AS 18.80.100 that is received by the commission or post-marked within the
6 time limit of this subsection shall be deemed timely under this subsection.”

DLC Proposed Amendment 1

AMENDMENT NO. _____

not offered

OFFERED BY: _____

- 1 At page 2, line 22, delete Section 4 and renumber remaining sections accordingly.
- 2 At page 3, line 15, delete the phrase "and the executive director determines, in the
- 3 executive director's discretion, to refer the complaint for hearing"
- 4 At page 3, line 20, delete the sentence "The executive director's decision to refer the
- 5 complaint to hearing is not reviewable by the commission under this chapter."

DLC Proposed Amendment 2



DISABILITY
LAW CENTER
OF ALASKA

May 7, 2004

By hand delivery and e-mail

Rep. Bruce Weyhrauch
Chairman, House State Affairs Committee
Alaska Legislature
State Capitol, Room 102
Juneau, Alaska
E-mail: <ginny.austerman@legis.state.ak.us>

JUNEAU

230 South Franklin #206
Juneau, AK 99801
(907) 586-1627
FAX (907) 586-1066

Re: **Opposition to SB 354 re: Human Rights Commission**

Dear Representative Weyhrauch:

Please accept these comments on CSSB 354 (STA)am(efd fld), the currently available form of this bill.¹ CSSB 354, if passed, will greatly weaken the ability of the Commission to provide this valuable protection for Alaskans with disabilities, not to mention Alaskans protected from discrimination based on gender, marital status, pregnancy, parenthood, race, religion, color or national origin. While CSSB 354 does not purport to directly abrogate or weaken the anti-discrimination rights of AS 18.80.210, the bill will in several ways weaken the protection and enforcement of these important civil rights by limiting the way the Commission enforces those rights. Even to the extent the bill is limited in its impact to employment and housing discrimination claims, it sets a bad precedent in its limitation on the Commission's ability to respond to and prevent discrimination. We oppose the bill in the strongest terms.

A. Statute of limitations of 180 days / process of filing a complaint:

Currently, a discrimination claim is presented to the Commission, is informally investigated by Commission personnel, and if substantial evidence is found to support the claim, a formal "complaint" is drafted by a Commission staff (sometimes an attorney, sometimes an investigator) and formally "filed" by the Commission.

Under current regulation, discrimination complaints thus prepared must be filed within 180 days of discriminatory conduct (or, if the conduct is continuing, within 180 days of the last date of the continuing conduct). 6 Alaska Administrative Code ("AAC") 30.230 (b), (c). Thus, it is currently possible that a complaint may be

¹ Please accept our apology for not submitting comment earlier on this bill, or on its companion bill, HB 525. I have been away from work due to personal and familial health problems since mid-February, and our agency has been short-staffed in the interim.

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ADVOCACY
SYSTEMS

dismissed for being untimely, when the delay was not caused by the complainant, but instead by the investigator or staff involved in informal investigation, by delays in communication between the Commission staff and the complainant, or due to disagreement between the complainant and the Commission staff as to how the complaint should be worded.

It is unusual to have a legal process where the timely filing of an administrative complaint depends upon the conduct of a third party (other than a retained attorney) who is employed as personnel of the tribunal. I believe that there is a very strong due process defect in a process where the complainant is not in control of whether a complaint is timely filed.

It is unclear whether SB 354 is intended to ratify the current system that allows the filing only of Commission-drafted complaints. The distinction drawn in the current bill between an "accusation" and a "complaint" suggests that the Commission will not in the future insist upon the drafting and filing of a formal complaint, and may not provide assistance to unrepresented lay persons in preparation of a formal complaint. If this is the case, then we suggest deletion of the phrase "verified" in existing AS 18.80.100. There is little purpose served by requiring a "verified" complaint, when a formal "accusation" will be issued later before any administrative action. I have drafted a proposed amended for this purpose. See *DLC Proposed Amendment 1*.

The current draft of the bill also codifies the 180-day time limitation. See Section 2, at page 2, line 4 (adding new AS 18.80.100(c)). I have drafted a proposed amendment that would clarify that a complainant has met this codified statute of limitations by submission of a document signed by the complainant setting forth the claim, without having to depend upon the conduct of Commission staff and without requiring unreasonable procedural formality in the drafting of the complaint. See also *DLC Proposed Amendment 1*. These amendments will prevent unreasonable dismissal of otherwise valid claims.

B. Discretion to dismiss claims having substantial cause:

CSSB 354 purports to grant discretion to the executive director of the Commission to dismiss a complaint even though it has been filed on a finding of *substantial cause*. CSSB 354 (STA)am(efd fld). Section 4, at page 2, line 23 (adding new AS 18.80.112). There is no time limitation on this power. It appears to authorize the executive director to summarily dismiss cases in which the Commission has already issued a substantial cause finding and issued a complaint, but has not adjudicated the case. This may help erase backlogs within the Commission, but it is not good public policy.

For claims based on Alaska anti-discrimination law, it has been held that a claimant has two options: (1) file an administrative claim of discrimination before the ASCHR; or (2) file a complaint directly in Alaska superior court. No "right to sue" letter is required to pursue state claims and remedies, as is required to pursue federal employment discrimination claims under Title I of the federal ADA.

However, practical obstacles prevent superior court from being a meaningful forum for Alaskan claimants of modest means with employment discrimination claims. Litigants in superior court face the potential of paying a portion of the defense attorneys fees if they lose. A claimant discriminated against by a large employer, represented by an expensive law firm, hazards his or her house and other life assets under current rules of Alaska Civil Procedure. A claimant often cannot afford to pay an attorney, because they have just lost their job – due to the discriminatory conduct.

Many attorneys will not take an employment case on a contingent-fee basis, since many discrimination cases depend upon the differing versions of events by percipient witnesses. So as a result, it can be very difficult for an employment discrimination claimant to pursue a claim in superior court. They can't afford a for-fee attorney, and few attorneys are willing to take these cases on a contingent fee basis.

The Legislature and past administrations have recognized the inherent unfairness of these practical obstacles presented to honest claimants of modest means, and wisely decided to create a system where the Commission "shall" hold a hearing on a claim found supported by substantial evidence if it is not successfully settled after investigation and conciliation. Current AS 18.80.110, 18.80.120. Current law provides a fairer, more level playing field between claimants and defendants by providing a low-cost meaningful administrative forum for complainants, but protecting defendants by permitting only cases found to have "substantial evidence" to go forward to a hearing.

CSSB 354 would permit dismissal of meritorious cases on the thinnest of rationales, that the case "is not in the interest of the State." Basing the protection of an average Alaskans' right against discrimination on the slender reed of one public official's view of "the interest of the State" is bad policy. It cheapens the significance of the right. It is no answer to say dismissal is "without prejudice." Dismissal of an administrative discrimination complaint that is supported by "substantial evidence" likely will, as a practical matter, preclude Alaskans of modest means any forum for their case, since in most cases the claimant cannot find or afford an attorney usually needed for successful prosecution in superior court.

CSSB 354 retreats from the wisdom of current law, and skews the playing field in favor of discrimination. Knowing that the courthouse doors are as a practical matter not open to many claimants, it gives the signal that Alaska is an open field for discrimination, especially if you have the ear of the executive director. It is unwise public policy.

I have drafted an amendment (see *DLC Proposed Amendment 2*) to delete Section 4 and to modify other sections of the bill to preserve the current state of the law that an unresolved complaint found to have substantial cause must proceed to a formal hearing if conciliation efforts are unsuccessful.

C. Representation of the claimant by attorney of choice in accusation proceedings:

One effect of the bill, if passed, would be to change the methods of procedure for employment and housing discrimination adjudicatory hearings – but apparently not other types of discrimination hearings. See CSSB 354, §§ 4, 5, 6, 7, and 12 (referring to “accusation” and making proceedings subject to AS 44.62.330(a)).

The bill affords a respondent (“the person charged in an accusation”) the right to representation by an attorney of the respondent’s choosing, but a similar and parallel right is not afforded to a claimant. See CSSB 354, § 5, at page 3, lines 22-26 (proposed AS 18.80.120(a)).

We do not think it was the intent of the drafters of this bill to imply that the staff of the Commission, having decided to prosecute an accusation, has agreed to provide legal representation to the complainant. Yet we also do not believe it was the intent of the drafters that complainants would be unrepresented by counsel at the formal hearing, since it is a fundamental right of due process of law to be represented by counsel of one’s choosing during a formal hearing at which one’s significant rights are adjudicated, to advise the client and otherwise participate in the proceeding.

To resolve this potential due process defect in the bill, I have drafted an amendment that would insert a phrase in Section 5 that says “The complainant may be represented by counsel of the complainant’s choice.” See DLC Proposed Amendment 3.

D. Limitation of Commission remedies violates due process of law:

CSSB 354 removes important teeth from the Commission’s enforcement powers, without any valid policy justification.

The bill at page 4, lines 17-18, would prohibit the Commission from issuing an award of non-economic or punitive damages “in any case” of discrimination. Thus a wealthy entity or individual will be free to engage in discriminatory conduct in Alaska knowing that the Commission cannot impose a meaningful remedy. There is no disincentive against discrimination.

Current employment law allows for a “make whole” remedy in employment and housing claims that is appropriately flexible to each individual case, permitting “any appropriate relief, including but not limited to,” a list of potential remedies for employment claims, and “actual damages, which shall include but not be limited to” specified potential remedies for housing claims. This bill deletes the “any appropriate relief” clause of the employment discrimination remedial section and lists specific relief, raising the potential argument by a losing defendant that only specific listed remedies are permitted. Section 6, at page 4, lines 22-23. The bill eliminates the phrase “but not limited to” in the remedial section for housing discrimination claims, raising the

Rep. Bruce Weyhrauch, chairman, House State Affairs Committee, Alaska Legislature
Re: CSSB 354: Alaska State Commission on Human Rights; Suggested amendments
May 7, 2004
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same potential argument in housing claims that the enumerated remedies are exclusive. CSSB 354, at page 5, page 11. This is not only unwise, we believe it violates due process of law.

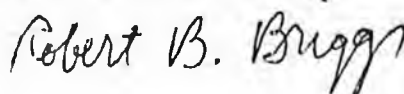
We believe due process of law requires that the remedies available to a claimant must be meaningful, including in appropriate cases the right to seek and be awarded punitive damages commensurate with the defendant's resources and sufficient to present a disincentive to future discrimination. I have already discussed why, as a practical matter, an unemployed claimant with modest assets may find it difficult if not impossible to pursue an employment discrimination claim in superior court. Remedies provided in an administrative proceeding must be meaningful to prevent future discrimination and to make the claimants whole.

The bill limits payment of "front pay" in employment claims to one year. CSSB 354, page 4, lines 24-29 and page 5, lines 1-3. There is no justification for this limitation, particularly in light of the Commission's own testimony objecting to the limitation, stating "[t]here has been no indication that there are problems with the law or the Commission's awards which would warrant the proposed limits on relief." Testimony of Lisa Fitzpatrick, Alaska State Commission on Human Rights, at page 3 (May 4, 2004). For the Legislature to restrict the Commission's powers without a compelling government interest runs afoul of its mandate to implement the anti-discrimination clauses of Alaska's constitution with due process of law. Art. I, §§ 1, 3, 4, and 7.

I have drafted an amendment to the bill that would eliminate the language limiting the Commission's remedial powers. See DLC Proposed Amendment 4 (eliminating language that would prevent the Commission from assessing non-economic or punitive damages) and DLC Proposed Amendment 5 (deleting language limiting the remedies in employment and housing claims).

Alaskans with disabilities depend upon the Commission to fulfill the important role of protecting the rights of average Alaskans. The bill threatens the well-being of Alaskans with disabilities, exposing them to discrimination in employment, housing, places of public accommodation, rental or sale of real property, in obtaining credit or financing, and in other aspects of life. A right without a meaningful remedy, without powerful enforcement, is no right at all. We urge that CSSB 354 not be passed. Thank you for consideration of these comments.

Very truly yours,



Robert B. Briggs, staff attorney

Encl.

Cc: (w/ encl.)

Members, House State Affairs Committee
Dave Fleurant, executive director, DLC-Anchorage

AMENDMENT NO. _____

OFFERED BY: _____

1 At page 1, line 7, delete the phrase:

2 “, verified”

3 At page 2, line 8, after “. . . alleged discriminatory practice stopped.” insert:

4 “A written document signed or made by the claimant in substantial compliance
5 with AS 18.80.100 that is received by the commission or post-marked within the
6 time limit of this subsection shall be deemed timely under this subsection.”

AMENDMENT NO. _____

OFFERED BY: _____

- 1 At page 2, line22, delete Section 4 and renumber remaining sections accordingly.
- 2 At page 3, line 15, delete the phrase "and the executive director determines, in the
3 executive director's discretion, to refer the complaint for hearing"
- 4 At page 3, line 20, delete the sentence "The executive director's decision to refer the
5 complaint to hearing is not reviewable by the commission under this chapter."

AMENDMENT NO. _____

OFFERED BY: _____

- 1 At page 3, line 24, after the phrase “. . . the commission.” insert sentence:
- 2 “The complainant may be represented by counsel of the complainant’s choice.”

AMENDMENT NO. _____

OFFERED BY: _____

1 At page 4, line 17, delete the phrase:

2 “discriminatory practice. The commission may not order an award of

3 noneconomic or punitive damages in any case [DISCRIMINATION]”

4 At page 4, lines 16-17, after the phrase “. . . type of” insert:

5 “discrimination.”

AMENDMENT NO. _____

OFFERED BY: _____

1 At page 4, line 20, after the phrase “. . . may order” insert the phrase:

2 “any appropriate relief, including but not limited to”

3 At page 4, line 20, delete the phrase:

4 “one or more of the following:”

5 At page 4, line 25, delete the phrase:

6 “for a period of not more than one year if hiring, reinstatement, or
7 upgrading of an employee is inappropriate because no vacancy exists, the
8 employer’s discriminatory practice rendered the employee incapable of
9 returning to work, or the relationship between the employer and the
10 employee has so deteriorated as to make working conditions intolerable”

11 At page 5, line 1, delete “must” and insert “may”

12 At page 5, line 11, delete “[, BUT NOT LIMITED TO,]”

CSSB 354
TESTIMONY SUBMITTED TO THE
HOUSE STATE AFFAIRS COMMITTEE
May 3, 2004

The Human Rights Commission submits the following comments to the House State Affairs Committee on CSSB 354, a bill that would significantly affect the Commission's authority and procedures. These comments are being submitted by the Commission's Chairperson, Lisa Fitzpatrick, on behalf of the entire Commission.

The Commissioners support the provisions of the bill that provide discretion to the staff to focus agency resources on cases of greater merit. The Commissioners have serious concerns, however, about the limitations on available relief that would be imposed by this legislation.

BACKGROUND

The Human Rights Commission was created over forty years ago to enforce Alaska's strong public policy against discrimination, and provide an alternative forum to bringing a lawsuit in court. The Commission's purpose is to make whole those persons who are found to be victims of illegal discrimination. When an Alaskan alleges a harm because of discrimination in employment, housing, or a practice by the State because of their race, sex, disability, age, or other prohibited reason, they may file with the Commission. Thousands of Alaskans contact the Commission each year for assistance, but the Commission only accepts complaints that it determines are jurisdictional with the agency. Over the past ten years the Commission accepted an annual average of 453 complaints for filing.

A large percentage of cases are resolved short of a full investigation. Immediately after a complaint is filed, the parties are offered an opportunity to participate in a voluntary mediation program. The Commission's success rate in the program is over 80%. Between one quarter and one third of cases filed with the Commission are resolved through mediation.

If cases don't resolve in voluntary mediation, the Commission staff investigates the allegations, impartially and informally. Investigations are not adversarial, and the informal nature of investigations means that it is not necessary for respondents to hire attorneys to represent them in this process. In fact, only about 20% of respondents, most of whom are large employers, engage legal counsel for this purpose.

After reviewing all of the evidence gathered, the Commission staff makes a threshold determination as to whether there is substantial evidence to support the allegations. If there is not substantial evidence, the Commission closes the matter and takes no further action. If there is substantial evidence to support the claims, the

Commission tries to informally resolve the matter through a process known as conciliation. At this point, the Commission attempts to secure "make whole" relief for the complainant. Nothing prevents the complainant from accepting less than make whole relief, and the Commission often resolves cases at this stage for much less than the complainant would be entitled if they pursued the claim. The Commission will close the case if the complainant refuses to accept relief that the Commission believes is reasonable.

If the matter cannot be resolved through conciliation, the Commission holds a hearing to determine whether unlawful discrimination occurred. Respondents often do hire attorneys at this point in the process, although the Commission encourages the parties to proceed as informally as possible. It is important to recognize, however, that contrary to many common perceptions, neither the Commission nor the Commission's attorney represent the complainant at such hearings. The complainant is the beneficiary of a successful case, but the Commission seeks to enforce the State's important public policy against discrimination when it prosecutes a violation of the law. In this manner, the Commission acts much like a public prosecutor who seeks to enforce the laws of the State. As the United States Supreme Court has said, civil rights enforcement agencies like the Human Rights Commission seek to vindicate the public's interest when seeking remedies that will benefit victims of discrimination.

If, at the conclusion of a hearing, the Commission finds that illegal discrimination has occurred, the Commission can award "make whole" relief—relief that would put the victim in the same position they would have been in absent the illegal discrimination—and no more. In practice, if someone has a case where they want to recover a large damage award, and can find an attorney, they go to court.

Commission cases often don't involve the types of large damages available in court. **The average amount of awards where the Commission has found substantial evidence of discrimination in employment cases is less than forty-eight hundred dollars (\$4800).** In most of these cases, people come to the Commission, not the courts, because lawyers cannot afford to take their cases for such small awards. In these situations, the Commission really is the only place a person can come to get relief.

PROVISIONS OF HB 525

Discretion to Dismiss Complaints

The Commissioners support Section 4, which adds a new provision giving the executive director discretion to dismiss complaints before an accusation is issued. This would mean that a hearing would no longer be required by law in every case where substantial evidence is found. This provision allows the Commission to take forward only those cases that will promote the public policy of the State. Complainants would be free to file a timely case in court after a case is dismissed under this section regardless of

the reasons for the dismissal. This section also allows the executive director to dismiss a case prior to a finding of no substantial evidence and promotes efficiency in processing complaints.

Limits on the Type of Relief the Commission Can Award

The Commission believes that this bill goes too far in limiting the amounts and types of remedies that can be awarded. There has been no indication that there are problems with the law or the Commission's awards which would warrant the proposed limits on relief. The Commission discussed some of the limits on relief with the Department of Law, but did not ultimately come to an agreement on all issues. After having these discussions with the Department of Law, and as a result of its ongoing analysis, other problems with the limitations on relief have become more apparent to the Commission.

Currently, the statute now provides for the award of "any appropriate relief." The provisions of Section 6 of the bill remove that authority and limit relief to only those specifically enumerated listed remedies. **This would preclude many types of remedies that are basic, common sense, make whole remedies—ones that do not seek to punish or in any way give a windfall to complainants, but simply to put them in the position they would have been in but for the illegal discrimination.** For example, under current provisions of the bill, the Commission is concerned that it could **NOT:**

Require a reasonable accommodation for a person with a disability— something that can be an integral part of making the workplace accessible to all persons who can otherwise do the job.

Require the payment of retirement benefits where the employer's contributions to a plan are no longer made because a person has been fired due to age discrimination.

Make a person whole for lost benefits that weren't included in their pay check, such as housing, which was part of a compensation package – e.g., in rural Alaska, employees may be paid \$10/hour instead of \$15, but given a place to live to make up for the difference.

Provide an employee health benefits lost— e.g., where an employer drops a pregnant employee from its insurance upon learning the employee is pregnant, she would be faced with the unexpected cost of having the baby, even though that action was illegal discrimination based on pregnancy.

It would also not allow the Commission to require an employer to remove records of discipline that was discriminatory—e.g., counseling and probationary documents which were created because of a person's race. Such a record can follow a person and prevent them from getting another job.

Other types of compensation that the Commission is concerned it could **NOT** provide would include:

Vesting in a retirement plan – e.g., in an age discrimination case, an employer fired an employee 6 months before they would vest.

Bonuses – these are not specifically back-pay – e.g. holiday bonuses, profit sharing that would have been available to the employee had the employer not terminated her because of sex discrimination.

Posting of signs and distribution of policies—e.g., regarding sexual harassment or disability. These remedial measures help assure the workplace is free from future problems with discrimination.

Vacation – e.g., what would have accrued if not terminated.

Restoration of Seniority – e.g., lost seniority impacts future bumping and layoffs.

Reimbursed medical costs – e.g. where an employer has provided compensation to offset deductibles or employee co-pay amounts.

Other out of pocket expenses – e.g. those related to seeking other employment after being illegally fired.

The Commissioners are concerned about the limit on front pay to a period of two years and restrictions on when it can be awarded in Section 6. Where appropriate, reinstatement is the preferred remedy for an illegal firing. Front pay is awarded in cases where reinstatement is not feasible, and compensates the victim for the future effects of discrimination when a person has been denied continued employment. Although infrequently used, front pay is an important make whole remedy when needed. Courts have upheld front pay awards for periods of longer than two years where it is justified to make the victim of discrimination whole, and Commission front pay awards have been consistent with judicial precedent.

FORCING THE COMMISSION TO PAY ATTORNEY'S FEES WOULD UNDULY HARM THE MISSION OF ELIMINATING DISCRIMINATION

At the House State Affairs Committee hearing on April 21 on HB 525, suggestions were made to require the Commission to pay attorney's fees to respondents in the event the Commission is unsuccessful in proving discrimination at a hearing. **Requiring the Commission to pay attorney's fees would substantially harm the Commission's ability to enforce the Human Rights Law and pursue the State's public policy of preventing and eliminating discrimination.** A mandate similar to Civil Rule 82 would

require the Commission to pay 30% of a respondent's attorney's fees when the respondent prevails. In other cases, the Commission could be liable for up to 75% of the fees under the rules governing offers of judgments. These amounts could be up to and exceed \$25,000.

In contrast, a rule similar to Civil Rule 82 would limit the fees the Commission could collect when it prevails to 20% of the damages awarded. Since, as noted above, the average Commission award is below \$5000, the Commission would receive less than \$1000 in fees when it successfully prosecuted a case.

The Commission is a small agency with a very limited budget. In the past two years the Commission lost 20% of its staff and now operates with just 15 employees where it had 22 just four years ago. Requiring the Commission to pay such large amounts for unsuccessful attempts to prosecute violations of the Human Rights Law would most likely mean further reductions in staff and a crippling of the agency's ability to pursue the public's interest in preventing and eliminating discrimination. Such a scheme would be similar to forcing a public prosecutor to pay a criminal defendant when the defendant is found not guilty.

The Commissioners are also extremely concerned that this section would undermine the public's confidence in the agency's diligent enforcement of the law. This could also create an appearance of conflict in the decision making process as the public might view the staff and Commissioner's decisions to be influenced by the concern that fees would be awarded against the agency.

CONCLUSION

The Commission appreciates the opportunity to comment on this bill. The Commissioners recognize the positive aspects of the legislation, but do not believe further limits on the Commission's ability to remedy discrimination are warranted. Again, it is important to note that the vast majority of discrimination claims in Alaska are brought to the Commission. Alaska has a strong and noble public policy against discrimination, and has had a long history of trying to remedy the unfairness that comes with treating people differently for no reason but prejudice or stereotype. This bill would undermine that policy by eliminating full make whole remedies for most acts of discrimination.

S B

3 8 5

Joni Butler

I thought
I gave you
this -

Comments on SB 385
"Homeland Security" bill

Sec. 1:

What is the rationale for converting "emergency services" into "emergency management"?

What type of emergency is the division in charge of? Does it manage emergencies? If so, where and under what circumstances?

Sec. 2:

Why establish a Legislative subcommittee in statute? Why is the selection process so cumbersome?

What are the requirements of a federal security clearance or interim security clearance?

Page 4: Powers and Duties of Legislative committee: how does this committee determine ability to mount prompt response "to emergencies or disasters"

- what about forest fires (urban interface leading threat to communities)
- what about oil spills
- What happens to the State Emergency Response Commission – it has the same responsibility
- Does committee review other departments' emergency plans in addition to DMVA? DNR, DEC, Econ, etc?

Page 5, line 5: what is a subcommittee of a permanent interim committee?

- Requests for Information: vague scope of authority, interesting to be able to request info from the Gov in addition to state departments
- New Sec. at line 20: can you decipher this? A lot of "if's"
- Consider how this section relates to the "secret" security clearance needed by committee members? Why is this level of "managing" secrets needed? What, if anything, could the committee do if it had secret or confidential information?
- Page 7, line 17: how will the committee get staff that meet security clearance? What does it take / cost to administer management of security clearances?

Sec. 5:

See page 9, line 28: note the frequent use of the term "coordinate" ... who is in charge? If a terror act is a crime, why isn't DPS in charge along with fed police agencies? Remember Exxon Valdez response – in those days DEC "coordinated" now they are statutorily mandated as the Lead state agency on oil & hazmat incidents / spills. Also, DNR is Lead state agency for fire suppression ...

Sec. 6:

Notice the name of the new Division; what do they "manage"? The division now provides services (grant money, arguably training and exercise services, etc) – they do not come into a community and manage a disaster response operation – the local

community has that responsibility – what does this bill do to empower the new division to manage? Where in this bill does it say “who is in charge”?

Page 12; line 16 – this language suggest the DMVA folks will have police powers yet they do not get police training ...

- line 22: establish chains of command in plans? Shouldn't the agencies with responsibility (DPS, DNR, DEC, etc) do this if they are already for law enforcement, etc.?
- line 24; what is the organized militia? Again “coordination and deployment” language, but not clear description of who is in charge?
- Line 28: what background does the new division have to design local security plans? Why is the new division involved in “police function” activities? Will “planners” tell local police how to develop and execute law enforcement strategies?
--- this is a key point; the new division will condition the pass through of federal grant money to locals based on the plans that they require
- Line 30; again ‘coordinate’ term is used ... the use of the term “homeland security activites’ is very broad. Will the new division coordinate federal, state and local law enforcement activities as well?

Page 13; line 1 .. notice all the plans, why not one master plan with annex's like the state oil spill plan? The division folks say they will do this but if the statute identifies multiple plans, you will get lots of state planners and lots of plans ... and lots of confusion.

- ask for information on the current state emergency plan – the current DES folks like to call it a “concept” document ... compare it to any other state and you can how poor it is.
- the crux of the problem is there in no SYSTEM to manage mandated by this bill!
- Line 6: this language could be a blank check to the division on what they determine to be homeland security matters ...
- Line 28; more blank check language

Page 15 Sec. 9 – will a special session be required for this? Why not use the current system laid out in AS 26 re: legis oversight of disasters?

- notice too the absence of any source of disaster money to fund HLS activities?
- How can a new division be created at NO COST?
- What happens as federal grant money dries up?
- How much federal money will be spent on the new division?
- Will DES's current budget be commingled with the new HLS federal dollars?

Sec. 10:

- read (2) very closely, notice how few definitions there are
- what is a critical property or facility?
- Who runs the checkpoints? State militia? What is their training ... who are these guys and do they carry guns, can they make arrests, etc.?

Sec. 13:

- line 10; Notice the removal of reference to pass through to local governments (deletion of state district)
- line 22; no clear language to reference local role

Sec. 14:

- need to get a good explanation of what is excluded from this HLS bill
- all other facilities will be subject to the new authority of HLS,
- this is important – most of the places where there is a threat are likely excepted due to current federal requirements ...
- I would suggest getting a list of these locations, most would be surprised how many places now have fed. security plans required ... makes the need for new HLS powers seem questionable

I am tired of writing, I think you get the gist of my concerns ...

Thoughts ...

The State Emergency Response Commission was not involved in development of this legislation ...

The current AO re: HLS could be revised by the Governor if needed. I am not aware of the Gov. pushing this bill

Be suspect of a new division being created with no dollars related to it ...

If the bulk of HLS activities are quasi law enforcement and security related, why isn't DPS more in the lead?

Why not review the entire state EMERGENCY MANAGEMENT SYSTEM?

There is not a system in place to effectively manage resources outside of DNR / Fire and DEC / oil spills

There should be no problem continuing to receive federal HLS money if this bill is not passed.

Why not have a panel of experts review the state of the state emergency management system and provide a comprehensive strategy to the legis for a fix.