EXHIBIT 2
DATE 3-30-05
SB 390

SB 390 Clean Campaign Act *(Sen. Joe Balyeat)*

Senate Bill 390 is the Clean Campaign Act. I carried this same bill last session and it passed overwhelmingly in the House; Here's an article about it from last session. Last time, it died on a tie vote on the Senate floor, partly because the sponsor didn't quite understand how it worked. It was cosponsored last time by Rep. Kaufman and myself – which, as you know, is a pretty good sign that this is not a partisan issue. I'm not sure where he'll stand on the bill today, but last session Democratic Party Executive Director Brad Martin said the bill was an example of "good merit and good thinking". And the Commissioner of Political Practices (a Republican appointee) called the bill "a great idea".

The bill basically works like the discovery process in court proceedings. It only applies in the last 10 days of an election. If your opponent comes out with any new ad which mentions you; your opponent must provide you with a copy of the ad text on the same day that he makes it available to the public. The ad copy can be provided by email, fax, or regular mail.

The bill originally required that the broadcast or print media give you an opportunity to respond to the negative ad. But the media guys didn't like that part of the bill, so the Senate Admin Committee applied a tender-loving butcher knife to it and cut that part out of the bill, and I considered that a friendly amendment. We also amended the bill in committee to deal with other opponents and I think it's a pretty simple bill now without much objection. Since they amended this bill down so much, I suppose they should've also amended the title – from "Clean Campaign Act" down to "Semi-Clean Campaign Act". Actually, I think the amended bill will still serve a very good purpose.

Why do we need this bill? George Orwell once said, "*Political language is designed to make lies sound truthful; and to give the appearance of solidity to pure wind.*" Politics is a messy business. In political campaigns there's a fine line between truth and lies. Usually the only way voters can arrive at the truth is to hear competing versions of the "facts". One reason negative campaigning is so effective late in campaigns is because it only gives one version of the facts; because the person targeted has no opportunity to respond before the election. SB 390 attempts to mitigate the increasing problem of negative campaigning, without instituting heavy-handed regulations which infringe on free speech. My theory is that if your opponent wants to engage in negative campaigning, that the negativity might at least be tempered if they know they have to present you directly with the ad right out of the shoot. And even if that doesn't temper a negative ad, at least you have notice of it right away and have an opportunity to respond as soon as possible; which (especially near the end of a campaign) will mitigate against negative campaigning by giving voters both sides of an issue.

So I ask the committee for a "do concur" on SB390 – I think it'll clean things up a little bit and may help deal with some of the voter disillusionment that's out there.

I have written copies of my testimony or the record and I reserve the right to close. Thank you.